

Message

From: EPA Press Office [press@epa.gov]

Sent: 6/26/2019 5:57:12 PM

To:

Ex. 6 - Administrator

Subject: EPA Resumes Consideration of the 2014
Withdrawal of the Proposed Determination
to Restrict Use of the Pebble Deposit Area
as a Disposal Site

Ex. 5 Deliberative Process (DP)

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Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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To: Jackson, Ryan[jackson.ryan@epa.gov]; Molina, Michael[molina.michael@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]
From: Bennett, Tate[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: Thur 3/21/2019 5:10:34 PM (UTC)
Subject: Fwd: Follow-up letter to EPA on Nov 14 petition to withdraw Bristol Bay Watershed Assessment
[Lieberman 20190320 Wheeler Bristol Bay letter.pdf](#)
[ATT00001.htm](#)

Brittany may have also flagged this.

Begin forwarded message:

From: Myron Ebell <Myron.Ebell@cei.org>
Date: March 21, 2019 at 12:38:27 PM EDT
To: "Gordon, Stephen" <gordon.stephen@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: Ben Lieberman <Ben.Lieberman@cei.org>
Subject: FW: Follow-up letter to EPA on Nov 14 petition to withdraw Bristol Bay Watershed Assessment

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
1310 L Street, N. W., Seventh Floor
Washington, DC 20005, USA
Tel direct: (202) 331-2256
Tel mobile: Ex. 6 Personal Privacy (PP)
E-mail: Myron.Ebell@cei.org
Stop continental drift!

To: Bolen, Brittany[bolen.brittany@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Thur 3/21/2019 4:45:37 PM (UTC)
Subject: RE: Follow-up letter to EPA on Nov 14 Pebble Mine petition

Brittany,

Thanks for the heads up. We in OW can take the lead in preparing a draft response for all of our review if you would prefer us to do it.

Regards,
Lee

From: Bolen, Brittany
Sent: Thursday, March 21, 2019 12:04 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>
Subject: Fwd: Follow-up letter to EPA on Nov 14 Pebble Mine petition

Sent from my iPhone
Begin forwarded message:

From: Ben Lieberman <Ben.Lieberman@cei.org>
Date: March 21, 2019 at 12:02:59 PM EDT
To: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: FW: Follow-up letter to EPA on Nov 14 Pebble Mine petition

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Darwin, Henry[darwin.henry@epa.gov]
From: Bolen, Brittany[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: Thur 3/21/2019 4:04:08 PM (UTC)
Subject: Fwd: Follow-up letter to EPA on Nov 14 Pebble Mine petition
[Lieberman 20190320 Wheeler Bristol Bay letter.pdf](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: Ben Lieberman <Ben.Lieberman@cei.org>
Date: March 21, 2019 at 12:02:59 PM EDT
To: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: FW: Follow-up letter to EPA on Nov 14 Pebble Mine petition

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Darwin, Henry[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7AE8E9D24EEB4132B25982E358EFBD9D-DARWIN, HEN]
Sent: Fri 4/19/2019 5:16:39 PM (UTC)
Subject: Re: Pebble

Thank you David.
H

Sent from my iPhone

On Apr 19, 2019, at 10:56 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Yes, that's correct. My understanding is the Administrator signed a one-time delegation to Matt late last month to perform all functions of the Administrator or functions previously delegated to the AA for Water (as Dave is recused as well) related to the Pebble Deposit Area, which would include the pending 404(c) and the 404/NEPA process with the Corps. This doesn't displace any authority delegated to the RA by regulation or prior delegation.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Darwin, Henry
Sent: Friday, April 19, 2019 9:09 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Pebble

David:

Do you know if its true that Matt has been delegated the Administrator's role in the Pebble matter?

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Thanks

Henry

From: Daniel L. Cheyette <dcheyette@BBNC.NET>
Sent: Thursday, April 18, 2019 7:32 PM
To: Darwin, Henry <darwin.henry@epa.gov>
Subject: Pebble

Henry,

Our understanding is that Administrator Wheeler has recused himself from decisions regarding Pebble Mine and that General Counsel Matt Leopold would be handling Pebble going forward. Can you confirm whether that is a decision that has been formalized with EPA and, if so, whether it would be possible to set up a meeting or at least a call with Mr. Leopold so that we can give him our background on Pebble and the view from Bristol Bay?

Appreciate it and hope all is well.

Dan

Daniel L. Cheyette
Vice President, Lands and Natural Resources
Bristol Bay Native Corporation

Appointment

From: Aguirre, Janita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5E4259E18284BDEBF99C73C19F567FD-JAGUIRRE]
Sent: 12/12/2018 3:36:13 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Tovar, Katlyn [tovar.katlyn@epa.gov]; Maddox, Donald [Maddox.Donald@epa.gov]
Subject: HQ Room for Pebble Options
Location: WJCE 3233 (see also separate invitation from R10)
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Busy

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]
From: Forsgren.Lee@epa.gov[Forsgren.Lee@epa.gov]
Sent: Mon 5/20/2019 3:15:22 AM (UTC)
Subject: Re: Letter to EPA from AG Clarkson

Thanks Matt.

Sent from my iPhone

> On May 19, 2019, at 10:52 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:
>
> Resending with attachment.
>
> Matthew Z. Leopold
> General Counsel
> U.S. Environmental Protection Agency
> (202) 564-8040
>
> -----Original Message-----
> From: Leopold, Matt (OGC)
> Sent: Sunday, May 19, 2019 10:47 PM
> To: Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>;
Carrie Wehling <Wehling.Carrie@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Nalven, Heidi
<Nalven.Heidi@epa.gov>; Christopher Hladick (hladick.christopher@epa.gov)
<hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn
<Stern.Allyn@epa.gov>
> Subject: FW: Letter to EPA from AG Clarkson
>
> Passing along. I just spotted this email as it was in my junk mail. OGC/ORC could you work on a draft
response to the AG for me to review?
>
> Thank you, Matt
>
> Matthew Z. Leopold
> General Counsel
> U.S. Environmental Protection Agency
> (202) 564-8040
>
> -----Original Message-----
> From: Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>
> Sent: Wednesday, May 15, 2019 1:00 PM
> To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> Cc: Knudson, Kip C (GOV) <kip.knudson@Alaska.gov>; Clarkson, Kevin G (LAW)
<kevin.clarkson@alaska.gov>
> Subject: Letter to EPA from AG Clarkson
>
> Dear Mr. Leopold,
>
>
>

> Please find attached letter sent on behalf of Alaska Attorney General Kevin G. Clarkson. The original will follow by mail.

>

>

>

> Thank you.

>

>

>

> Kind regards,

>

>

>

> Ninia Dizon

>

> Executive Secretary

>

> Office of the Attorney General

>

> 1031 West Fourth Avenue, Suite 200

>

> Anchorage, AK 99501

>

> Tel: (907) 269-5602

>

> Fax: (907) 269-5110

>

> Email: ninia.dizon@alaska.gov <<mailto:ninia.dizon@alaska.gov>>

>

>

>

> <5-15-19 Letter to EPA re Section 404(c) of the CWA.pdf>

Appointment

From: Aguirre, Janita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5E4259E18284BDEBF99C73C19F567FD-JAGUIRRE]
Sent: 12/12/2018 3:36:13 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Tovar, Katlyn [tovar.katlyn@epa.gov]; Maddox, Donald [Maddox.Donald@epa.gov]
Subject: HQ Room for Pebble Options
Location: WJCE 3233 (see also separate invitation from R10)
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Busy

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Wed 6/26/2019 9:04:25 PM (UTC)
Subject: Re: Fair Article

Thanks

Sent from my iPhone

On Jun 26, 2019, at 4:46 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Matt,
For your awareness. This is a fair article in my view.

Lee

BRISTOL BAY
EPA restarts effort to kill Pebble restrictions

Dylan Brown and Ariel Wittenberg, E&E News reporters Published: Wednesday, June 26, 2019 <image001.jpg>

The Pebble mine prospect site is seen here in 2008. Erin McKittrick/GroundTruthTrekking.org

EPA will take another look at striking down proposed Pebble mine restrictions dating back to President Obama. In a [memo](#) released today, EPA General Counsel Matthew Leopold ordered Region 10 Administrator Chris Hladick to resume the withdrawal process for the 2014 [proposed determination](#) that effectively blocked the controversial copper and gold mine to protect Alaska's Bristol Bay.

Former EPA chief Scott Pruitt started the process as part of a 2017 [settlement](#) that gave mining firm Pebble LP four years to finish the environmental review process after putting forward a mine plan. But a month later, Pruitt canceled the withdrawal process, leaving the potential restrictions to hover over the project. That stunned his conservative allies, who condemn the preemptive use of the agency's seldom-used power under Section 404(c) of the Clean Water Act as government overreach ([Greenwire](#), April 25, 2018). But Pebble LP has submitted a permit application to the Army Corps of Engineers.

Advertisement

Last week, Democrats in the House passed a spending bill amendment that would block the agency from finishing its review, but it is unlikely to ever gain traction in the Republican-led Senate.

The comment period on the draft [environmental impact statement](#) concludes Monday ([E&E Daily](#), June 26). EPA is required by the National Environmental Policy Act to submit a letter commenting on the proposal. It has the option to submit a second letter under the Clean Water Act. It is unclear what those documents will say.

After Pruitt's resignation, the final say on Pebble matters fell to Leopold after new EPA Administrator Andrew Wheeler and agency water chief David Ross were forced to recuse themselves due to conflicts of interest with the project ([Greenwire](#), March 26).

Leopold was in Alaska this month meeting with the Army Corps and others.

"It was basically a general discussion, in all honesty, about how things were going," said Army Corps Alaska District Regulatory Division Chief David Hobbie.

The proposed determination was "not at all" discussed, he said, during the half-hour conversation.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents," Leopold said in a statement today, citing the draft EIS as a trove of new information to consider. Leopold's memo directs EPA to consider using a process under Section 404(q) of the Clean Water Act to "elevate" permits when the agency disagrees with the Army Corps — a process that is often seen as a precursor to an EPA veto.

EPA can inform the Army Corps if it believes a project will have a "substantial and unacceptable" impact on an aquatic resource of national importance (ARNI), which could be one that has economic benefits or water quality benefits, or is considered unique or rare. The Chesapeake Bay, for example, has previously been declared an ARNI.

That elevation process was formalized in the 1990s with an [agreement](#) between the two agencies. Under that [agreement](#), EPA has to send two letters saying a project "may" affect and "will" affect an ARNI within 25 days of each other.

Those letters set off a ping-pong of correspondence between EPA and the Army Corps, with the Army Corps having to inform EPA if it disagrees with the ARNI assessment before a permit is issued. If the Army Corps district wants to proceed and the EPA region disagrees, the headquarters of each agency becomes involved.

Ultimately, however, the decision of whether to issue a permit is left to the head of the Army Corps.

If the assistant secretary of the Army for civil works decides to move ahead with the permit, EPA must either step aside or start the veto process outlined in Section 404(c) of the Clean Water Act.

It's not clear what kind of weight an EPA elevation would hold at the Army Corps without a potential veto looming to

force the agencies to compromise.

LaJuana Wilcher, who led EPA's Office of Water during the George H.W. Bush administration and drafted the ARNI agreement with the Army Corps, said it was meant for the two agencies to come to an agreement on a permit without vetoing projects after developers had already spent millions of dollars on design and environmental review.

"We wanted to avoid the federal government sending mixed signals over what the federal government will say about a project," she said.

Importantly, Leopold's memo does not direct EPA to initiate the elevation process but says the agency should do so "if the factual analysis leads to a conclusion" that the elevation is necessary.

"The elevation procedure is the longstanding, well-understood, and agreed-upon process that the agencies have utilized for more than two decades," he said. "By making an up-or-down decision on the 2014 Proposed Determination and by invoking these well-understood elevation procedures, Region 10 can discharge its obligations under the law and take two significant steps toward restoring normal order to this protracted and uncertain process."

To: Rodrick, Christian[rodrick.christian@epa.gov]
Cc: Mutz, John (Fletcher)[mutz.john@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Kolb, John (JohnMark)[kolb.john@epa.gov]
From: Leopold, Matt (OGC)/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Fri 5/31/2019 2:54:48 PM (UTC)
Subject: RE: Pebble with Gosar

Hi Christian,

I'd be happy to meet with him next week prior to my visit to Alaska

Ex. 5 Deliberative Process (DP)

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Rodrick, Christian
Sent: Friday, May 31, 2019 10:50 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Mutz, John (Fletcher) <mutz.john@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: Pebble with Gosar

Matt,

I wanted to follow up with you on the meeting/call request from Rep. Gosar re. Pebble from a few weeks back. I've spoken Lee and **Ex. 5 Deliberative Process (DP)** would you be able to speak with Gosar on the issue on Tuesday-Friday?

If so, Fletcher, could we check on some potential times to schedule this meeting?

Thanks all,

Christian Rodrick
Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-4828
C **Ex. 6 Personal Privacy (PP)**
E: Rodrick.Christian@epa.gov

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Forsgren, Lee[Forsgren.Lee@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Rodrick, Christian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
Sent: Wed 4/24/2019 7:17:32 PM (UTC)
Subject: RE: Call with Rep. Gosar

Hey Matt, just tried you. Let me know if there is a better time to discuss at your convenience.

Thanks,

Christian Rodrick
(202) 564-4828

From: Leopold, Matt (OGC)
Sent: Wednesday, April 24, 2019 1:26 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Re: Call with Rep. Gosar

I can talk at 3:15.

Sent from my iPhone
On Apr 24, 2019, at 11:45 AM, Rodrick, Christian <rodrick.christian@epa.gov> wrote:

Matt,

I received the below request from Rep. Gosar for a call with you re. Pebble Mine and the “Preemptive Veto.” Their talking points are below. Gosar is the Chairman of the “Western Caucus,” and the Caucus regularly cites Pebble as one of their top concerns.

Let me know how you would best like to handle this request and I am happy to coordinate with whomever.
Thanks,

Christian Rodrick
(202) 564-4828

From: Foti, Leslie <Leslie.Foti@mail.house.gov>
Sent: Wednesday, April 24, 2019 10:31 AM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Call with Rep. Gosar

Rodrick,

Congressman Gosar would like to set up a call with General Counsel Matthew Leopold for this week or next. Please let me know if we can possibly get this on the books.

Below are the talking points for the call.

- I wanted to get an issue on your radar screen that involves a major copper and gold mine project in Alaska – called the Pebble mine – and the need for EPA to take prompt action to undo one of the more egregious acts by the Obama EPA.
 - o The mine is located in the largest undeveloped reserve of copper and gold in the world, and represents tremendous opportunities for Alaska and the lower 48 states that would provide equipment, goods and services.
 - o The Obama EPA had issued a veto of the mine before the proponents of the project had even submitted an

application and detailed mine plan for approval under the Clean Water Act, over concerns about potential impacts on the Bristol Bay salmon fishery.

- o The Corps of Engineers is traditionally the lead agency for these permits, but the Obama EPA vetoed the project pre-emptively – an unprecedented and likely unlawful use of EPA authority under the Clean Water Act (it can review projects after the Corps has approved a permit, and can veto the project if it believes there is unacceptable environmental risk).

- Scott Pruitt started the process to withdraw this pre-emptive veto, but suspended the withdrawal after public comment.

- o While this allowed the project to go into the Clean Water Act permitting process, the overhang of the veto has two fundamentally adverse and unfair consequences—

- The Corps likely cannot issue a permit at the end of its review as long as the veto remains in place, and

- The project sponsors are unable to attract a partner – a major mining company – to help complete permitting and develop the mine.

- It appears now that the Administration is in agreement on the need to finish this process, but I'm concerned that there could be an extended bureaucratic review at EPA to complete this.

- o This is in part because Andrew Wheeler has recused himself on this issue, as you may know – his former firm had arranged a meeting for the Pebble team with Scott Pruitt (which he didn't attend).

- o And the issue has apparently been transferred to the EPA General Counsel for further disposition.

- As you may recall, we undertook a great deal of oversight on this issue over the last several years – by the Science, Resources and Oversight Committees – and several letters have been sent to EPA – Two are attached.

- In all honesty, this issue should have been dealt with over a year ago, so I hope you can encourage the folks at EPA to move promptly. It is a terrible precedent – one that could easily be used by a future Administration seeking to block major resource development projects.

- o The Army Corps of Engineers has published a draft Environmental Impact Statement for the project and they are currently in the middle of public comment on that document – and it closes on May 31st.

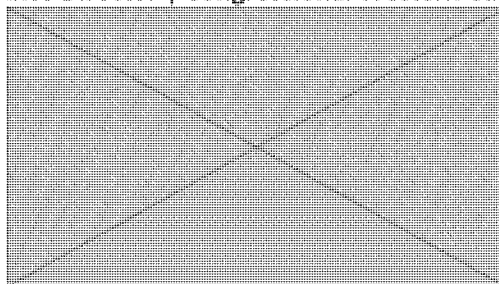
- o It would be appropriate and helpful for EPA to complete the withdrawal of the pre-emptive veto during this comment period, so interested parties could comment in that docket if they chose to do so.

- o Time is of the urgency as we need action by the Administration within the next several weeks on the item requested above.

Thank you,

Leslie Rath Foti

Director of Scheduling & Administration
Finance Director | Congressional Western Caucus



Arizona's 4th District

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Forsgren, Lee[Forsgren.Lee@epa.gov]; Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Rodrick, Christian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
Sent: Wed 4/24/2019 5:38:04 PM (UTC)
Subject: RE: Call with Rep. Gosar

Awesome—thanks Matt. I can plan to give you a call then. I'll call 564-2190 unless there is a better number or you'd prefer I come up.

Talk to you then,

Christian Rodrick
(202) 564-4828

From: Leopold, Matt (OGC)
Sent: Wednesday, April 24, 2019 1:27 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Re: Call with Rep. Gosar

With OCIR to discuss the issue.

Sent from my iPhone

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Matt,

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Christian Rodrick
(202) 564-4828

From: Foti, Leslie <Leslie.Foti@mail.house.gov>
Sent: Wednesday, April 24, 2019 10:31 AM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Call with Rep. Gosar

Rodrick,

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 - o The mine is located in the largest undeveloped reserve of copper and gold in the world, and represents tremendous opportunities for Alaska and the lower 48 states that would provide equipment, goods and services.

- o The Obama EPA had issued a veto of the mine before the proponents of the project had even submitted an application and detailed mine plan for approval under the Clean Water Act, over concerns about potential impacts on the Bristol Bay salmon fishery.

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- o And the issue has apparently been transferred to the EPA General Counsel for further disposition.

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- o The Army Corps of Engineers has published a draft Environmental Impact Statement for the project and they are currently in the middle of public comment on that document – and it closes on May 31st.

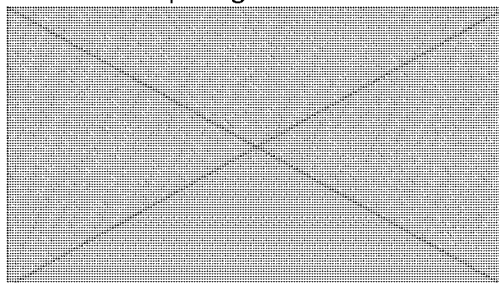
- o It would be appropriate and helpful for EPA to complete the withdrawal of the pre-emptive veto during this comment period, so interested parties could comment in that docket if they chose to do so.

- o Time is of the urgency as we need action by the Administration within the next several weeks on the item requested above.

Thank you,

Leslie Rath Foti

Director of Scheduling & Administration
Finance Director | Congressional Western Caucus



Appointment

From: Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
Sent: 5/22/2019 7:17:49 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Tentative

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 5/22/2019 7:19:26 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
Subject: Accepted: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Busy

Appointment

From: Mutz, John [mutz.john@epa.gov]
Sent: 5/20/2019 6:06:45 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Meeting with Pebble Mine
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/15/2019 6:00:00 PM
End: 5/15/2019 7:00:00 PM
Show Time As: Tentative

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Stern, Allyn[Stern.Allyn@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Fotouhi.David@epa.gov[Fotouhi.David@epa.gov]
Sent: Thur 6/27/2019 4:06:02 PM (UTC)
Subject: Re: Call on pebble tomorrow

We've heard from R10 that an evacuation drill is scheduled at this same time, so Fletcher will be looking to move this meeting to later in the day.

Sent from my iPhone

> On Jun 26, 2019, at 6:25 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

>

> John and Allyn - this morning I had recommended to matt that a call be held with OW and the region about the memo issued this afternoon, which is now on the calendar for 130. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

>

> I will try you but you can also call me this evening at the number below. Thanks.

>

> Sent from my iPhone

>

> Steven Neugeboren

> Associate General Counsel for Water

> U.S. EPA

> 202-564-5488

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Fotouhi.David@epa.gov[Fotouhi.David@epa.gov]
Sent: Tue 6/25/2019 2:43:44 PM (UTC)
Subject: Fwd: DRAFT Factsheet

Edits to DRAFT factsheet Ex. 5 Deliberative Process (DP)
ATT00001.htm

Ex. 5 Deliberative Process (DP)

Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 24, 2019 at 7:53:09 PM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: FW: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Abboud, Michael
Sent: Monday, June 24, 2019 6:05 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

Michael Abboud
U.S. Environmental Protection Agency
Office of Public Affairs
M: Ex. 6 Personal Privacy (PP)

To: Schwab, Justin[Schwab.Justin@epa.gov]
From: Fotouhi.David@epa.gov[Fotouhi.David@epa.gov]
Sent: Mon 6/24/2019 11:08:48 PM (UTC)
Subject: Fwd: Memo to R10
Suspension directive v2019-06-24.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 24, 2019 at 10:23:10 AM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: **Memo to R10**

DELIBERATIVE—DO NOT RELEASE

Please find a revised clean version of the draft memo attached to this e-mail.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Schwab, Justin[Schwab.Justin@epa.gov]
From: Fotouhi.David@epa.gov[Fotouhi.David@epa.gov]
Sent: Mon 6/24/2019 10:57:28 PM (UTC)
Subject: Fwd: Memo to R10
Suspension directive v2019-06-24.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 24, 2019 at 10:23:10 AM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: **Memo to R10**

DELIBERATIVE—DO NOT RELEASE

Please find a revised clean version of the draft memo attached to this e-mail.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Fotouhi.David@epa.gov[Fotouhi.David@epa.gov]
Sent: Wed 6/26/2019 5:50:28 PM (UTC)
Subject: Fwd: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Sent from my iPhone

Begin forwarded message:

From: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Date: June 26, 2019 at 1:49:41 PM EDT
To: "Dennis, Allison" <Dennis.Allison@epa.gov>
Cc: "Konkus, John" <konkus.john@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Here's the direct link to the memo: <https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf>

On Jun 26, 2019, at 1:48 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

+ Andrea

-----Original Message-----

From: Konkus, John
Sent: Wednesday, June 26, 2019 1:48 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>;
Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

How's the link coming along?

-----Original Message-----

From: Forsgren, Lee
Sent: Wednesday, June 26, 2019 12:42 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>;
Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Nancy

Please wait to post till OW has done some prep work. Allison will let everyone know when we are ready to post. Should be around 1:30ish.

Lee

Sent from my iPhone

On Jun 26, 2019, at 12:38 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

We are working with region 10 to post -- is there any reason they should not post it

-----Original Message-----

From: Konkus, John

Sent: Wednesday, June 26, 2019 12:37 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Looping in Nancy.

-----Original Message-----

From: Forsgren, Lee

Sent: Wednesday, June 26, 2019 12:37 PM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

David

OW will post the memo et al to the website.

Lee

Sent from my iPhone

On Jun 26, 2019, at 12:25 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

The signed memo is attached. Lee, I understand your folks will be able to post it to EPA's Bristol Bay webpage. John, Mike, let me know if you need anything else from me regarding the press release. Thanks!

David Fotouhi

Principal Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov<<mailto:fotouhi.david@epa.gov>>

From: DC-WJCN-4020-M@epa.gov <DC-WJCN-4020-M@epa.gov>

Sent: Wednesday, June 26, 2019 8:49 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject:

<image2019-06-26-084914.pdf>

To: Konkus, John[konkus.john@epa.gov]
From: Fotouhi.David@epa.gov[Fotouhi.David@epa.gov]
Sent: Wed 6/26/2019 6:51:10 PM (UTC)
Subject: Re: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Thanks, John. I talked to Matt. He thinks you all should resend with the corrected headline. He's available now for the next few minutes by phone if you'd like to discuss it with him. Thanks
Sent from my iPhone

On Jun 26, 2019, at 2:24 PM, Konkus, John <konkus.john@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

On Jun 26, 2019, at 2:03 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)





Sent from my iPhone

On Jun 26, 2019, at 1:57 PM, EPA Press Office <press@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

-  Like
 -  Tweet
 -  Share
 -  Forward
- [Unsubscribe](#)

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/21/2019 10:34:59 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: FW: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)

Start: 5/22/2019 3:00:00 PM
End: 5/22/2019 3:30:00 PM
Show Time As: Tentative

From: Hladick, Christopher
Sent: Tuesday, May 21, 2019 6:53:38 PM UTC
To: Hladick, Christopher; Jackson, Ryan; Leopold, Matt (OGC); Bolen, Brittany
Cc: Willis, Sharnett; Mutz, John; Inge, Carolyn
Subject: Pebble Draft Discussion
When: Wednesday, May 22, 2019 3:00 PM-3:30 PM.
Where: 3402 WJC-N (Ryan's Office)

Appointment

From: Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
Sent: 5/22/2019 7:17:49 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Tentative

Appointment

From: Patrick, Monique [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3F271920363C4AECBFF1E989A6DFDE9B-MPATRICK]
Sent: 7/10/2019 1:54:18 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Patrick, Monique [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3F271920363C4AECBFF1E989A6DFDE9B-MPATRICK]
Sent: 7/10/2019 1:54:18 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 6/17/2019 2:21:35 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Tentative

Hey Fletcher, let's lock in June 18 at 3 re Pebble. I will confirm closer to the date the final list of those who will be in attendance, but it currently includes Andy Sabin, Collin O'Mara (NWF), and McKie Campbell. Thanks.

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 6/17/2019 2:21:47 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Accepted: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

Appointment

From: Mutz, John (Fletcher) [mutz.john@epa.gov]
Sent: 6/17/2019 2:21:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Tentative

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 6/17/2019 2:21:35 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Tentative

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 6/17/2019 2:21:35 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

Appointment

From: Mutz, John (Fletcher) [mutz.john@epa.gov]
Sent: 6/17/2019 2:21:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Tentative

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Appointment

From: Patrick, Monique [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3F271920363C4AECBFF1E989A6DFDE9B-MPATRICK]
Sent: 7/10/2019 1:54:18 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 6/17/2019 2:21:35 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

Hey Fletcher, let's lock in June 18 at 3 re Pebble. I will confirm closer to the date the final list of those who will be in attendance, but it currently includes Andy Sabin, Collin O'Mara (NWF), and McKie Campbell. Thanks.

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/14/2019 8:39:50 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: Meeting with Pebble Mine
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 5/15/2019 6:00:00 PM
End: 5/15/2019 7:00:00 PM
Show Time As: Busy

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 4/29/2019 5:53:13 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: WH Political Affairs Pebble Mine Briefing
Location: 197 EEOB

Start: 5/2/2019 6:30:00 PM
End: 5/2/2019 7:15:00 PM
Show Time As: Busy

To: Jackson, Ryan[jackson.ryan@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Willey, Katharine[willey.katharine@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Tue 7/30/2019 7:00:14 PM (UTC)
Subject: FW: Bloomberg: Veto Lifted for Alaska Gold Mine Boasting \$100 Billion Bounty

Pretty solid turnout. Let me know if anyone has any issues.

From: Abboud, Merriam
Sent: Tuesday, July 30, 2019 2:54 PM
To: AO OPA Individual News Clips <AO_OPA_Ind_News_Clips@epa.gov>
Subject: Bloomberg: Veto Lifted for Alaska Gold Mine Boasting \$100 Billion Bounty

Bloomberg
Veto Lifted for Alaska Gold Mine Boasting \$100 Billion Bounty
<https://www.bloomberg.com/news/articles/2019-07-30/veto-lifted-for-alaska-gold-mine-boasting-100-billion-bounty>
Jennifer Dlouhy

The Environmental Protection Agency is scrapping proposed restrictions on mining operations in Alaska’s Bristol Bay, dealing a victory to Northern Dynasty Minerals Ltd., which is hoping to tap a \$100 billion gold deposit in the region.

The move does not guarantee the U.S. government will issue a permit for the company’s planned Pebble Mine. But the decision removes a major barrier to the project, which has been thwarted by Obama-era water pollution limitations proposed in 2014 but never finalized.

Northern Dynasty was up 6% at 2:14 in New York after jumping as much as 14% on the news. More than 3 million shares had traded hands, almost double the three-month daily average.

The Trump administration said it was withdrawing that proposal Tuesday because the restrictions led to an unfair veto of the mining project based on outdated assumptions about the mine’s design and its risks to the world’s most productive wild salmon fishery.

“In the Trump administration, we’re not for preemptive vetoes of projects,” EPA General Counsel Matthew Leopold said. “We think everyone should have a chance to submit their project and have it evaluated based on the law -- not preemptively -- and that’s what this is about restoring.”

The U.S. Army Corps of Engineers is expected to decide on whether to authorize the project next year. The EPA’s action Tuesday allows the agency to collaborate with the Corps during the permitting process.

For decades, developers have been beckoned by the lode in southwestern Alaska, which boasts millions of tons of gold, copper, molybdenum and other minerals near the headwaters of two rivers flowing into Bristol Bay. But conservationists, local activists, fishermen and federal regulators have argued that industrial, open-pit mining operations to extract the bounty threatens the region’s flourishing sockeye salmon fishery.

The EPA itself warned of the risks on July 1 and said it was concerned the Army Corps was underestimating “the extent and magnitude of the substantial proposed impacts to streams, wetlands and other aquatic resources.”

The EPA now has nearly three months to decide whether it will enter into negotiations with the Army Corps over the project under an extension granted last week. That formal consultation process -- prescribed by a federal clean water law -- is meant to allow top officials from both agencies to work out disagreements over a potential mine permit.

Although the high-level negotiations can lead to a rejection of the project, “the more usual case is that it leads to some amendment to the permit or some change in the proposed permit” -- not “an all-or-nothing veto,” Leopold said.

Opponents of Pebble Mine Weigh Options in Wake of EPA Lifeline

Northern Dynasty and Pebble LP have argued that the new mine plan now under Army Corps review is significantly different from what the Obama administration envisioned in 2014, when it used special veto powers under the Clean Water Act to propose restricting the discharge of mining waste and other material in the watershed. The proposed limitations were never legally finalized.

The EPA's 2014 position was based on hypothetical scenarios and speculative information derived partly from Pebble filings with the Securities and Exchange Commission, Leopold said. Now that there is an actual permit application, "those mining hypotheticals from 2014 are out of date," and the EPA has an obligation to consider the current information.

Under Pebble's current, smaller mine proposal, facilities storing mining waste would be lined, cyanide would not be used to extract gold from the site and the company does not plan facilities in Upper Talarik Creek, one of the waterways thought to be affected in 2014.

Environmentalists say those steps don't go far enough to protect hundreds of acres of lakes, wetlands and other marine areas in the region -- nor the salmon, Alaska natives and multimillion-dollar fishing economy that depend on them.

The United Tribes of Bristol Bay, a consortium of 15 tribal governments, calls the mine "a toxic project" that would unleash "devastating consequences" on Bristol Bay.

The EPA has taken an inconsistent approach to the project under President Donald Trump. While the EPA swiftly proposed discarding the Obama water limits, former EPA Administrator Scott Pruitt made a surprise decision to leave them in place eight months later. Current EPA Administrator Andrew Wheeler has recused himself from any involvement in the issue, because his former law firm Faegre Baker Daniels LLP provided services to Pebble.

To: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 7/19/2019 2:33:14 PM (UTC)
Subject: RE: Bristol Bay 3(b)-letter timeline

Thanks for letting us know. Unfortunately Ashley is out all of this week and next week too, but I will turn to the letters after I have been able to revise the notice based on your feedback. Do you know if the Corps has talked to FWS about extending the timeframe for FWS's 3(b) letter (assuming it plans to send one)?

From: Fotouhi, David
Sent: Thursday, July 18, 2019 8:19 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Bristol Bay 3(b)-letter timeline

DELIBERATIVE—DO NOT RELEASE

Matt and I discussed Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David Fotouhi
Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Location: 4020 WJCN
Importance: Normal
Subject: Meeting Forward Notification: Discuss Pebble Mine Notice
Start Time: Thur 7/11/2019 7:00:00 PM (UTC)
End Time: Thur 7/11/2019 7:30:00 PM (UTC)
Required Attendees: Fotouhi, David

Your meeting was forwarded

Stern, Allyn has forwarded your meeting request to additional recipients.

Required Attendees: Fotouhi, David
Meeting
Discuss Pebble Mine Notice

Required Attendees: Fotouhi, David
Required Attendees: Fotouhi, David
Meeting Time
Thursday, July 11, 2019 3:00 PM-3:30 PM.

Required Attendees: Fotouhi, David
Required Attendees: Fotouhi, David
Recipients
Castanon, Lisa

Required Attendees: Fotouhi, David
All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Appointment

From: Stern, Allyn [Stern.Allyn@epa.gov]
Sent: 7/10/2019 8:45:31 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM

Recurrence: (none)

Appointment

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM

Recurrence: (none)

To: Abboud, Michael[abboud.michael@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Fri 7/26/2019 3:53:52 PM (UTC)
Subject: RE: Pebble proposed determination questions

Thanks

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Abboud, Michael
Sent: Friday, July 26, 2019 11:53 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Pebble proposed determination questions

Going with this now, per Matt and I’s phone call.

Ex. 5 Deliberative Process (DP)

From: Abboud, Michael
Sent: Friday, July 26, 2019 10:47 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Pebble proposed determination questions

Matt and David –

Following up on the email yesterday, E&E has some more questions.

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

From: dbrown@eenews.net <dbrown@eenews.net>
Sent: Friday, July 26, 2019 10:36 AM
To: Press <Press@epa.gov>
Cc: awittenberg@eenews.net
Subject: RE: Pebble proposed determination questions

Hello,

Just wanted to circle back with you on these questions ahead of our noon deadline.
We also have a couple of follow-up questions based on additional reporting:

- Regarding whether Mr. Leopold discussed the memo with the White House, we saw in his calendars that he did have a

meeting at the White House on May 16, the day after he met with Pebble officials. Can you confirm whether that meeting was about Pebble?

- We saw that Admin. Wheeler had a call with Alaska Gov. Dunleavy during the same day and time that Mr. Leopold did (May 21 at 5:30.) Was this the same phone call? What was it about?

Many thanks,
Dylan and Ariel

From: Dylan Brown
Sent: Thursday, July 25, 2019 3:24 PM
To: Press
Cc: Ariel Wittenberg
Subject: Pebble proposed determination questions

Hello,

We are writing a story about the lead-up to the June 26 memo signed by General Counsel Matthew Leopold that restarted the withdrawal process for the 2014 Section 404(c) proposed determination for the Pebble Deposit Area in Alaska.

We are hoping to get responses to the questions below. Our deadline is 12 p.m EST tomorrow (July 26).

- When was the Leopold memo written and why is it undated?
- Prior to June 26, did Mr. Leopold discuss lifting the proposed determination with anyone at the White House or with any member of the Trump family?
- Did Mr. Leopold discuss the Pebble proposed determination during his May 21 call with Alaska Gov. Dunleavy?
- Was the memo shared with the Army Corps of Engineers prior to its release?
- Why didn't Lee Forsgren attend his scheduled meeting with the Bristol Bay Native Corp. on June 26?

On June 19, Northern Dynasty CEO Ronald Thiessen told investors to expect Mr. Leopold to act on the proposed determination within a couple weeks.

- Did EPA discuss the Leopold memo with Pebble LP or Northern Dynasty Minerals Ltd. prior to its release?
- Did any Pebble or Northern Dynasty officials review the memo before its release?

Many thanks,
Dylan Brown
E&E News mining reporter
dbrown@eenews.net

Ex. 6 Personal Privacy (PP) office)

[@DylanBrown26](#)

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To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Fri 7/26/2019 3:53:12 PM (UTC)
Subject: RE: Pebble proposed determination questions
[Signed AAW RecusalMarch2019.pdf](#)

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Ex. 5 Deliberative Process (DP)

From: Abboud, Michael
Sent: Friday, July 26, 2019 10:47 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Pebble proposed determination questions

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From: dbrown@eenews.net <dbrown@eenews.net>
Sent: Friday, July 26, 2019 10:36 AM
To: Press <Press@epa.gov>
Cc: awittenberg@eenews.net
Subject: RE: Pebble proposed determination questions

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Many thanks,
Dylan and Ariel

From: Dylan Brown
Sent: Thursday, July 25, 2019 3:24 PM
To: Press
ED_002890_00032499-00001

Bristol Bay/Pebble Mine 2019 FOIAs_Production007

Cc: Ariel Wittenberg
Subject: Pebble proposed determination questions

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Many thanks,
Dylan Brown
E&E News mining reporter
dbrown@eenews.net

Ex. 6 Personal Privacy (PP) {office}

[@DylanBrown26](#)

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Wed 6/26/2019 8:46:19 PM (UTC)
Subject: Fair Article

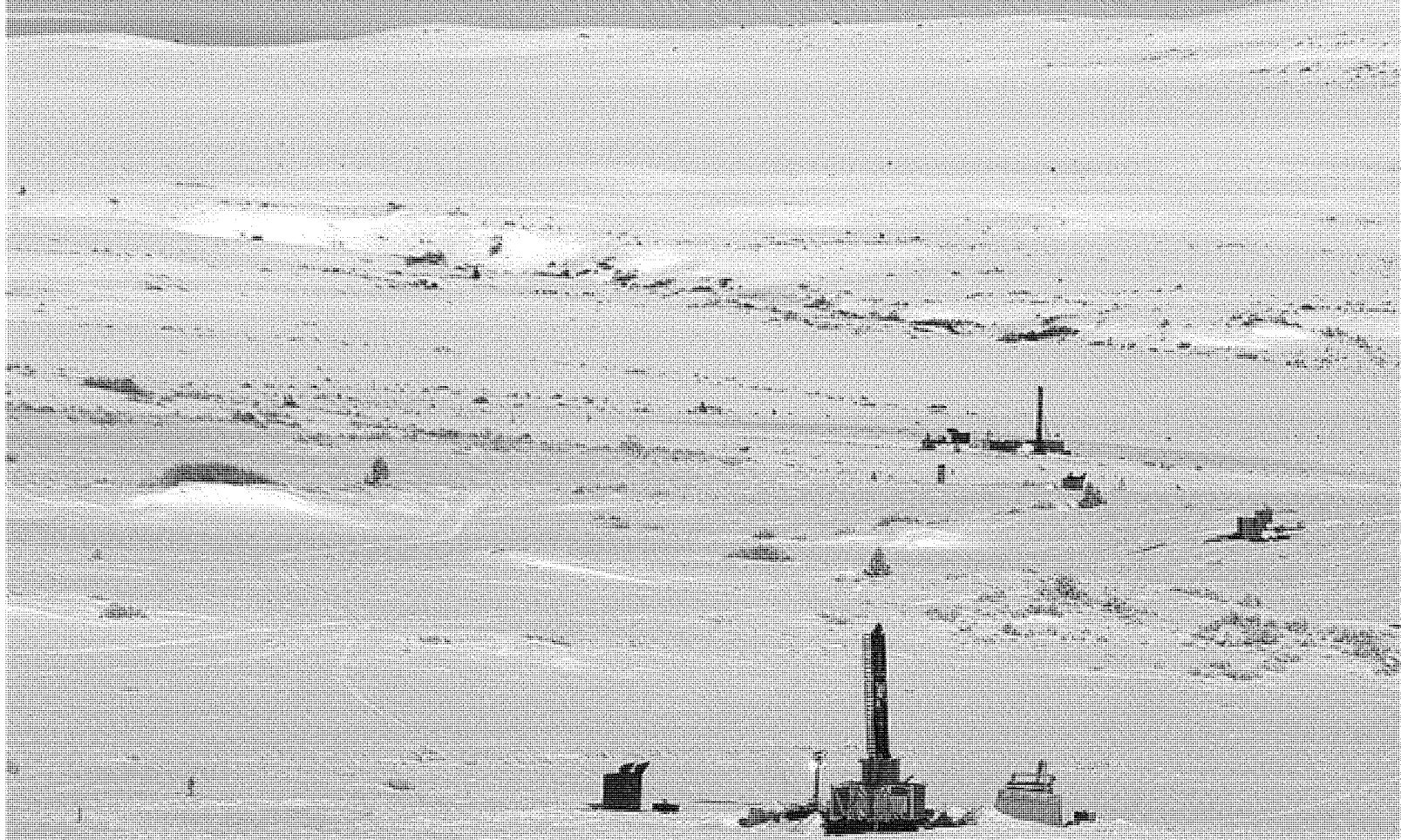
Matt,

For your awareness. This is a fair article in my view.

Lee

BRISTOL BAY EPA restarts effort to kill Pebble restrictions

Dylan Brown and Ariel Wittenberg, E&E News reporters Published: Wednesday, June 26, 2019



The Pebble mine prospect site is seen here in 2008. Erin McKittrick/GroundTruthTrekking.org

EPA will take another look at striking down proposed Pebble mine restrictions dating back to President Obama.

In a memo released today, EPA General Counsel Matthew Leopold ordered Region 10 Administrator Chris Hladick to resume the withdrawal process for the 2014 proposed determination that effectively blocked the controversial copper and gold mine to protect Alaska's Bristol Bay.

Former EPA chief Scott Pruitt started the process as part of a 2017 settlement that gave mining firm Pebble LP four years to finish the environmental review process after putting forward a mine plan.

But a month later, Pruitt canceled the withdrawal process, leaving the potential restrictions to hover over the project. That stunned his conservative allies, who condemn the preemptive use of the agency's seldom-used power under Section 404(c) of the Clean Water Act as government overreach (Greenwire, April 25, 2018).

But Pebble LP has submitted a permit application to the Army Corps of Engineers.

Advertisement

Last week, Democrats in the House passed a spending bill amendment that would block the agency from finishing its review, but it is unlikely to ever gain traction in the Republican-led Senate.

The comment period on the draft environmental impact statement concludes Monday (E&E Daily, June 26). EPA is required by the National Environmental Policy Act to submit a letter commenting on the proposal. It has the option to submit a second letter under the Clean Water Act. It is unclear what those documents will say.

After Pruitt's resignation, the final say on Pebble matters fell to Leopold after new EPA Administrator Andrew Wheeler and agency water chief David Ross were forced to recuse themselves due to conflicts of interest with the project (Greenwire, March 26). Leopold was in Alaska this month meeting with the Army Corps and others.

"It was basically a general discussion, in all honesty, about how things were going," said Army Corps Alaska District Regulatory Division Chief David Hobbie.

The proposed determination was "not at all" discussed, he said, during the half-hour conversation.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents," Leopold said in a statement today, citing the draft EIS as a trove of new information to consider.

Leopold's memo directs EPA to consider using a process under Section 404(q) of the Clean Water Act to "elevate" permits when the agency disagrees with the Army Corps — a process that is often seen as a precursor to an EPA veto.

EPA can inform the Army Corps if it believes a project will have a "substantial and unacceptable" impact on an aquatic resource of national importance (ARNI), which could be one that has economic benefits or water quality benefits, or is considered unique or rare. The Chesapeake Bay, for example, has previously been declared an ARNI.

That elevation process was formalized in the 1990s with an agreement between the two agencies. Under that agreement, EPA has to send two letters saying a project "may" affect and "will" affect an ARNI within 25 days of each other.

Those letters set off a ping-pong of correspondence between EPA and the Army Corps, with the Army Corps having to inform EPA if it disagrees with the ARNI assessment before a permit is issued. If the Army Corps district wants to proceed and the EPA region disagrees, the headquarters of each agency becomes involved.

Ultimately, however, the decision of whether to issue a permit is left to the head of the Army Corps.

If the assistant secretary of the Army for civil works decides to move ahead with the permit, EPA must either step aside or start the veto process outlined in Section 404(c) of the Clean Water Act.

It's not clear what kind of weight an EPA elevation would hold at the Army Corps without a potential veto looming to force the agencies to compromise.

LaJuana Wilcher, who led EPA's Office of Water during the George H.W. Bush administration and drafted the ARNI agreement with the Army Corps, said it was meant for the two agencies to come to an agreement on a permit without vetoing projects after developers had already spent millions of dollars on design and environmental review.

"We wanted to avoid the federal government sending mixed signals over what the federal government will say about a project," she said.

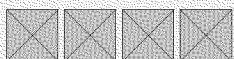
Importantly, Leopold's memo does not direct EPA to initiate the elevation process but says the agency should do so "if the factual analysis leads to a conclusion" that the elevation is necessary.

"The elevation procedure is the longstanding, well-understood, and agreed-upon process that the agencies have utilized for more than two decades," he said. "By making an up-or-down decision on the 2014 Proposed Determination and by invoking these well-understood elevation procedures, Region 10 can discharge its obligations under the law and take two significant steps toward restoring normal order to this protracted and uncertain process."

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: EPA Press Office[press@epa.gov]
Sent: Wed 6/26/2019 5:57:12 PM (UTC)
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Ex. 5 Deliberative Process (DP)

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To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Konkus, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: Wed 6/26/2019 5:16:40 PM (UTC)
Subject: RE: Final Draft: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Got it. Thanks.

From: Fotouhi, David
Sent: Wednesday, June 26, 2019 1:12 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: Re: Final Draft: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Ex. 5 Deliberative Process (DP)

Sent from my iPhone
On Jun 26, 2019, at 1:04 PM, Konkus, John <konkus.john@epa.gov> wrote:




This has been approved by Matt. Once we have the link, we will send it. We expect that around 1:30pm.



WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Matt Leopold**. "At the same time, we are going to invoke the well-understood Clean Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here: <LINK>


 <image005.png>

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Konkus, John[konkus.john@epa.gov]
Cc: Schiermeyer, Corry[schiermeyer.corry@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: Jackson, Ryan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: Wed 6/26/2019 5:08:10 PM (UTC)
Subject: Re: Final Draft: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Thanks very much.

Sent from my iPad

On Jun 26, 2019, at 12:04 PM, Konkus, John <konkus.john@epa.gov> wrote:

This has been approved by Matt. Once we have the link, we will send it. We expect that around 1:30pm.

<image001.png>
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<image002.png> <image003.png> <image004.png> <image005.png>

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<image006.png> [Like](#)
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To: Jackson, Ryan[jackson.ryan@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: Konkus, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: Wed 6/26/2019 5:04:55 PM (UTC)
Subject: Final Draft: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

This has been approved by Matt. Once we have the link, we will send it. We expect that around 1:30pm.







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To: Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Konkus, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: Wed 6/26/2019 4:52:05 PM (UTC)
Subject: Re: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Got it

John Konkus
Environmental Protection Agency
Deputy Associate Administrator for Public Affairs
Mobile: (202) 365-9250

On Jun 26, 2019, at 12:50 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

With edits in red text below from Matt and me:

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Konkus, John
Sent: Wednesday, June 26, 2019 12:43 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area




Ex. 5 Deliberative Process (DP)

<image002.png> <image003.png> <image004.png> <image005.png>

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Washington, D.C. 20004

<image006.png> [Like](#)

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To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]
From: Konkus, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: Wed 6/26/2019 4:42:42 PM (UTC)
Subject: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area





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To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Konkus, John[konkus.john@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]
From: Dennis, Allison[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9BF7959058B241FAB18E564E9C957B56-ADENNIS]
Sent: Wed 6/26/2019 4:41:58 PM (UTC)
Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Please hold on the ask of them to post until I connect with Lee.

-----Original Message-----

From: Grantham, Nancy
Sent: Wednesday, June 26, 2019 12:39 PM
To: Konkus, John <konkus.john@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

We are working with region 10 to post -- is there any reason they should not post it

-----Original Message-----

From: Konkus, John
Sent: Wednesday, June 26, 2019 12:37 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Looping in Nancy.

-----Original Message-----

From: Forsgren, Lee
Sent: Wednesday, June 26, 2019 12:37 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

David

OW will post the memo et al to the website.

Lee

Sent from my iPhone

> On Jun 26, 2019, at 12:25 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

>

> The signed memo is attached. Lee, I understand your folks will be able to post it to EPA's Bristol Bay webpage. John, Mike, let me know if you need anything else from me regarding the press release.
Thanks!

>

> David Fotouhi

>

> Principal Deputy General Counsel

> Office of General Counsel

> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov<mailto:fotouhi.david@epa.gov>
>
> From: DC-WJCN-4020-M@epa.gov <DC-WJCN-4020-M@epa.gov>
> Sent: Wednesday, June 26, 2019 8:49 AM
> To: Fotouhi, David <Fotouhi.David@epa.gov>
> Subject:
>
>
> <image2019-06-26-084914.pdf>

To: Fotouhi, David[Fotouhi.David@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Willey, Katharine[willey.katharine@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Mon 7/29/2019 9:32:35 PM (UTC)
Subject: RE: Pebble draft release

We are going to add in a quote from Matt as well.

From: Fotouhi, David
Sent: Monday, July 29, 2019 5:30 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Pebble draft release

DELIBERATIVE

My suggested edits are tracked in the attached.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Sent: Monday, July 29, 2019 5:02 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Pebble draft release

Lee suggested adding a line like the one in red, so I drafted one for your consideration. Feel free to edit as you see fit. Thanks.

From: Abboud, Michael
Sent: Monday, July 29, 2019 4:38 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Pebble draft release

For Region 10 to send, does anyone have any edits?

DRAFT:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Sheppard, Tracy[Sheppard.Tracy@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Mon 6/17/2019 10:52:36 PM (UTC)
Subject: Re: For your review: Draft interim response re: Bristol Bay Request for Correction due 6/21

Thanks Heidi. Adding rob in light of email I just sent him so he is aware. Rob - it may be helpful if you could send David the email correspondence that has come into matt recently that David hasn't seen so David is aware of that as he reviews this. Thanks.

Sent from my iPhone
Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

On Jun 17, 2019, at 6:42 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

David,

We have prepared the attached draft response to CEI's request for correction relating to Bristol Bay per Matt's direction. EPA's interim response is due on **Friday, June 21st** **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Please let us know if you have any edits to the attached draft. I have attached for your reference the last interim response OEI issued.

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

<Draft interim response BBWA RFC.docx>

<RFC 19001 interim 1 021319.pdf>

To: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Leopold, Matt (OGC)/[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Sun 7/14/2019 12:18:21 PM (UTC)
Subject: Fwd: Letter from Bristol Bay Organizations
[BBsLetter to Leopold 7.12.19.pdf](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Daniel L. Cheyette" <dcheyette@BBNC.NET>
Date: July 12, 2019 at 2:18:51 PM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: Letter from Bristol Bay Organizations

Matt,

Attached is a letter from all of the organizations that attended our June 13th Dillingham meeting regarding that visit and the subsequent Memorandum to Region 10 concerning the Proposed Determination.

Appreciate your consideration of our views.

Regards,

Daniel L. Cheyette
Vice President, Lands and Natural Resources
Bristol Bay Native Corporation
P: 907.278.3602
D: 907.265.7855
www.bbnc.net

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
Cc: Kaiser, Russell[Kaiser.Russell@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Mejias, Melissa[mejias.melissa@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]
From: Daniel L. Cheyette[dcheyette@BBNC.NET]
Sent: Mon 6/17/2019 9:59:24 PM (UTC)
Subject: RE: Draft EIS Science Briefing

Great. Crystal, Melissa, let me know what works for timing.

thanks

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Monday, June 17, 2019 12:30 PM
To: Daniel L. Cheyette <dcheyette@BBNC.NET>
Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>
Subject: RE: Draft EIS Science Briefing

[External Email]

Daniel,

We would definitely benefit from whatever technical briefings you might wish to provide. I would recommend that you work with Melissa Mejias and Crystal Penman to get it onto my and the OWOW technical staff's calendar.

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

From: Daniel L. Cheyette <dcheyette@BBNC.NET>
Sent: Monday, June 17, 2019 4:10 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Draft EIS Science Briefing

Lee,

Great to see you last week in Alaska. We will have three of the technical people who have been reviewing the Pebble Draft EIS back in Washington DC on June 25th and 26th to provide technical briefings on their work. If EPA is interested we would like to provide a briefing to the agency. It would take about an hour.

Our technical team that will be in DC includes

- (1) Matt Schweisberg, Wetland Strategies and Solutions, LLC (Matt was with the EPA for 32 years as a wetlands ecologist). <https://wetlandsns.com/>
- (2) Sarah O'Neil, Agua Dulce Freshwater Consulting, LLC
- (3) Cam Wobus, Lynker Technology, LLC <https://www.lynker.com/>

Matt, Sarah and Cam work respectively on wetlands, fish and water management and so their presentations would focus on how the Draft EIS considers each topic and the deficiencies therein related to each.

The morning or mid to late afternoon of the 26th would probably be the best time for our current schedules, but we are happy to work with your schedules.

Let me know and thanks,
Dan

Daniel L. Cheyette
Vice President, Lands and Natural Resources
Bristol Bay Native Corporation
P: 907.278.3602
D: 907.265.7855
www.bbnc.net

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Wed 6/26/2019 3:58:33 PM (UTC)
Subject: RE: OW Bristol Bay webpage

Yes we will take care of it after the release.

From: Fotouhi, David
Sent: Wednesday, June 26, 2019 11:57 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: OW Bristol Bay webpage

DELIBERATIVE

Lee:

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Willey, Katharine[willey.katharine@epa.gov]
Cc: Stern, Allyn[Stern.Allyn@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Grantham, Nancy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: Fri 7/26/2019 2:07:44 PM (UTC)
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

Thanks all .. we will follow these instructions thanks ng

From: Fotouhi, David
Sent: Friday, July 26, 2019 9:51 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Neugeboren, Steven
Sent: Friday, July 26, 2019 9:46 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

I'm adding Katherine as she is the lead on comms for OGC as I understand it, as well as David F.

Ex. 5 Deliberative Process (DP)

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Stachowiak, Robert
Sent: Friday, July 26, 2019 9:11 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

Hi Nancy –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

WLO has been working directly with Matt, David and Katherine Willey on this. From the Region 10 side, my understanding is that Allyn Stern (R10 Regional Counsel) is helping coordinate.

CC Allyn and WLO folks here for awareness/in case they want to add.

Hope this helps.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Grantham, Nancy
Sent: Friday, July 26, 2019 7:37 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: FW: Bristol Bay / Pebble Mine -- draft communications plan

Ex. 5 Deliberative Process (DP)

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 4:13 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 1:12 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Bristol Bay / Pebble Mine -- draft communications plan

Hi Katherine,

Allyn Stern asked me to send you our draft communications plan for Bristol Bay / Pebble Mine upcoming actions – it's attached.

Please let me know if you have any questions.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: [Ex. 6 Personal Privacy \(PP\)](#)
Follow us on Twitter! [@EPAnorthwest](#)

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Thur 7/25/2019 9:42:39 PM (UTC)
Subject: FW: Pebble proposed determination questions

Matt –

Ex. 5 Deliberative Process (DP)

From: dbrown@eenews.net <dbrown@eenews.net>
Sent: Thursday, July 25, 2019 3:25 PM
To: Press <Press@epa.gov>
Cc: awittenberg@eenews.net
Subject: Pebble proposed determination questions

Hello,

We are writing a story about the lead-up to the June 26 memo signed by General Counsel Matthew Leopold that restarted the withdrawal process for the 2014 Section 404(c) proposed determination for the Pebble Deposit Area in Alaska.

We are hoping to get responses to the questions below. Our deadline is 12 p.m EST tomorrow (July 26).

- When was the Leopold memo written and why is it undated?
- Prior to June 26, did Mr. Leopold discuss lifting the proposed determination with anyone at the White House or with any member of the Trump family?
- Did Mr. Leopold discuss the Pebble proposed determination during his May 21 call with Alaska Gov. Dunleavy?
- Was the memo shared with the Army Corps of Engineers prior to its release?
- Why didn't Lee Forsgren attend his scheduled meeting with the Bristol Bay Native Corp. on June 26?

On June 19, Northern Dynasty CEO Ronald Thiessen told investors to expect Mr. Leopold to act on the proposed determination within a couple weeks.

- Did EPA discuss the Leopold memo with Pebble LP or Northern Dynasty Minerals Ltd. prior to its release?
- Did any Pebble or Northern Dynasty officials review the memo before its release?

Many thanks,
Dylan Brown
E&E News mining reporter
dbrown@eenews.net

Ex. 6 Personal Privacy (PP) (office)

[@DylanBrown26](#)

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | [@EENewsUpdates](#)
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

To: Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Sheppard, Tracy[Sheppard.Tracy@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 6/18/2019 3:24:10 PM (UTC)
Subject: Draft interim response re: Bristol Bay Request for Correction due 6/21 - clean version
Draft interim response BBWA RFC.docx

Hi David – Attached is a clean version of the interim response for you to share with Matt. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Thanks,
Heidi

From: Nalven, Heidi
Sent: Monday, June 17, 2019 6:42 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Subject: For your review: Draft interim response re: Bristol Bay Request for Correction due 6/21

David,

We have prepared the attached draft response to CEI’s request for correction relating to Bristol Bay per Matt’s direction. EPA’s interim response is due on **Friday, June 21st**. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Please let us know if you have any edits to the attached draft. I have attached for your reference the last interim response OEI issued.

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: Bolen, Brittany[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: Thur 6/27/2019 3:55:51 PM (UTC)
Subject: Fwd: Emailing: Pebble-WheelerFinalLetter-6-27
[Pebble-WheelerFinalLetter-6-27.pdf](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: Ben Lieberman <Ben.Lieberman@cei.org>
Date: June 27, 2019 at 11:54:55 AM EDT
To: "wheeler.andrew@epa.gov" <wheeler.andrew@epa.gov>, "bolen.brittany@epa.gov" <bolen.brittany@epa.gov>, "holloman.vincia@epa.gov" <holloman.vincia@epa.gov>, "gordon.stephen@epa.gov" <gordon.stephen@epa.gov>
Subject: Emailing: Pebble-WheelerFinalLetter-6-27

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Wed 6/5/2019 11:20:09 PM (UTC)
Subject: RE: Draft Holding Statement re Alaska visit for your review

That works. Thank you.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Stachowiak, Robert
Sent: Wednesday, June 5, 2019 6:44 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Draft Holding Statement re Alaska visit for your review

Hi Matt –

Below is a draft statement for use by the press officers in case there are press inquiries regarding your trip. This has been reviewed by WLO, OW and Region 10. It looks fine to me as well. Please let me know if you have any changes, or are OK with this.

Thanks,
R

Holding Statement:

Ex. 5 Deliberative Process (DP)

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Schwab, Justin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]
Sent: Mon 6/24/2019 11:08:11 PM (UTC)
Subject: RE: Memo to R10
EDIT Suspension directive v2019-06-24.docx

PFA

From: Fotouhi, David
Sent: Monday, June 24, 2019 6:57 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>
Subject: Fwd: Memo to R10

Sent from my iPhone
Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 24, 2019 at 10:23:10 AM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: Memo to R10

DELIBERATIVE— DO NOT RELEASE

Please find a revised clean version of the draft memo attached to this e-mail.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Mon 6/24/2019 10:04:32 PM (UTC)
Subject: DRAFT Factsheet
DRAFT factsheet Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Michael Abboud
U.S. Environmental Protection Agency
Office of Public Affairs
M Ex. 6 Personal Privacy (PP)

To: Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Schiermeyer, Corry[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: Mon 6/24/2019 3:57:58 PM (UTC)
Subject: Re: Bristol Bay/Pebble Mine issue

Thank you

Sent from my iPhone

On Jun 24, 2019, at 10:43 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

It should be ready to share by this afternoon. Thanks!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Schiermeyer, Corry
Sent: Monday, June 24, 2019 11:33 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: Bristol Bay/Pebble Mine issue

Do you have the draft memo we can review? I'm traveling with the Administrator but would like to see what you all are planning.

Thank you!

Sent from my iPhone

On Jun 24, 2019, at 9:33 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Excellent; I'll ask Matt's assistant to send around a calendar invitation. Thanks so much.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Konkus, John
Sent: Monday, June 24, 2019 10:32 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Bristol Bay/Pebble Mine issue

Mike and I will be here.

From: Fotouhi, David
Sent: Monday, June 24, 2019 10:31 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Bristol Bay/Pebble Mine issue

Corry, John, Mike,

Matt and I would like to discuss with you a memo we're planning to release on Wednesday of this week regarding Bristol Bay/Pebble Mine so that we can develop a press strategy. Would one or more of you be available at 3:30 or 4:30 this afternoon? Thanks.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Thur 7/11/2019 9:49:37 PM (UTC)
Subject: Fwd: BBNC Letter Concerning Proposed Determination Memorandum
[BBNC Letter to Leopold 7.11.19.pdf](#)
[ATT00001.htm](#)
[BBNC 404 and DEIS Comment ltr \(Final\) 7.1.2019.pdf](#)
[ATT00002.htm](#)
[BBNC Comment Appendices and Links.pdf](#)
[ATT00003.htm](#)
[07012019 EPA Comments Pebble Project DEIS.pdf](#)
[ATT00004.htm](#)
[Pebble DEIS SOA consolidated comments Final.pdf](#)
[ATT00005.htm](#)
[Pebble Mine DEIS - DOI Comments and Enclosures.pdf](#)
[ATT00006.htm](#)
[Pebble DEIS SOA Cover-final.docx.pdf](#)
[ATT00007.htm](#)
[07012019 EPA Comments Pebble Permit POA-2017-00271.pdf](#)
[ATT00008.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Daniel L. Cheyette" <dcheyette@BBNC.NET>
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: BBNC Letter Concerning Proposed Determination Memorandum

Matt,

Attached please find a letter from Bristol Bay Native Corporation with attachments concerning your recent Memorandum to Chris Hladick, Regional Administrator for Region 10. A hard copy of these documents will also follow by regular mail.

I hope we can stay in contact regarding any potential action concerning the Proposed Determination for Bristol Bay and 404(q) elevation process and that you will continue to seek input from BBNC and other Bristol Bay tribes and stakeholders.

Thanks and best regards,
Dan

Daniel L. Cheyette
Vice President, Lands and Natural Resources
Bristol Bay Native Corporation
P: 907.278.3602
D: 907.265.7855
www.bbnc.net

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 5/30/2019 2:41:19 PM (UTC)
Subject: FW: For your review: Draft response to AK AG letter

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Nalven, Heidi
Sent: Wednesday, May 29, 2019 4:00 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: For your review: Draft response to AK AG letter

Hi David and Rob – Below is a draft response to the AK AG letter for your review. We had wanted to share the response with OW prior to signature. Please let us know when that would be okay.

Thanks,
Heidi

++++

Ex. 5 Deliberative Process (DP)

Sincerely,

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Mutz, John[mutz.john@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Fri 4/26/2019 11:55:15 PM (UTC)
Subject: Fwd: Tom Allen - NAK Investor re: BBWA and Preemptive Veto

Please draft a response for this one as well. Thanks.

Sent from my iPhone

Begin forwarded message:

From: Thomas Allen <thomas@markeallenlaw.com>
Date: April 22, 2019 at 1:39:38 PM CDT
To: "leopold.matt@epa.gov" <leopold.matt@epa.gov>
Subject: Tom Allen - NAK Investor re: BBWA and Preemptive Veto

Mr. Leopold,

I would first like to disclose I am an investor in the Pebble Mine. I would like to express that not only do I think the BBWA and veto are illegal, but unjust. I ask that you lift the veto to give Pebble a fair shot in permitting. It is my understanding you could veto the FEIS if it came back negative anyways. So what is the point in leaving the veto in place right now? Under the FOIA the BBWA and veto are illegal. The EPA has still failed to respond to the CEI Petition that was sent to your administration last Fall. This isn't your fault, but do you know when a response will be filed?

It is my belief that if the veto and BBWA are not removed soon, litigation will resume between the EPA and NDM after the FEIS at which point I think the EPA would lose trying to use the illegal BBWA over NEPA and fingers crossed a clean FEIS. I would like to know your thoughts here as I am ignorant compared to you regarding NEPA and the CWA. Why is Pebble being treated differently than any other mine? Shouldn't all mines have a fair shot at permitting? I understand Pebble is in permitting now but with the veto lift suspended it is hard to find anyone willing to partner with NDM.

If the EPA is truly participating in NEPA why do we still have a preemptive veto still in place after a clean DEIS? One of the guys who started the petition to bring about the preemptive veto in the first place years ago is now living in another country because of his illegal conduct. I am assuming you are more than qualified to handle this file being general counsel of the EPA. You have an impressive background. Any feedback would be appreciated and even though I am an investor I still think the mine can be built safely with the fisheries unharmed.

It is also my understanding a rule change to the CWA re: preemptive vetoes is near. Isn't it pretty odd to leave one in place then make a new rule saying the EPA cannot use preemptive vetoes anymore? I think all of this is pretty flawed, investor or not. I promised your assistant to not bombard you with emails so this is all I will send so long as I can get a response within a month.

Respectfully,
Thomas D. Allen

Thomas D. Allen
Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:
Monday through Thursday: 8:00 a.m. until 5:00 p.m.

Fridays: By appointment only

To: Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 5/14/2019 8:08:24 PM (UTC)
Subject: RE: Meeting with Ballard Partners/Pebble

David – We wanted to see if it would be okay for Tom Marshall and/or Allison Hoppe to attend the meeting as well.

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Wehling, Carrie
Sent: Monday, May 13, 2019 11:48 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Meeting with Ballard Partners/Pebble

Yes, we will work our schedules so we can attend. Thanks.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Fotouhi, David
Sent: Monday, May 13, 2019 11:01 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Meeting with Ballard Partners/Pebble

Matt has accepted a meeting request from Ballard Partners on behalf of Pebble this Wednesday at 2:00pm in his office. Matt would like for you to join the meeting if you're available; please let me know. Thank you!

Best,

David

David Fotouhi
Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Appointment

From: Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
Sent: 7/11/2019 3:40:35 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Declined: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Stern, Allyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2E2D6F5DF08D4E9ABBFF2C0880407775-STERN, ALLYN]
Sent: Thur 7/11/2019 12:37:43 AM (UTC)
Subject: RE: Discuss Pebble Mine Notice

Ex. 5 Deliberative Process (DP)

Allyn L. Stern
Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue, Seattle, WA 98101
206-553-1223

From: Neugeboren, Steven
Sent: Wednesday, July 10, 2019 4:08 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Stern, Allyn <Stern.Alyn@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Discuss Pebble Mine Notice

Ex. 5 Deliberative Process (DP)

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David
Sent: Wednesday, July 10, 2019 6:27 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Stern, Allyn <Stern.Alyn@epa.gov>
Subject: Discuss Pebble Mine Notice

Ex. 5 Deliberative Process (DP)

Discuss Pebble Mine Notice
Scheduled: Thursday, Jul 11, 2019 from 3:00 PM to 3:30 PM
Location: 4020 WJCN
Invitees: Palomaki, Ashley, Castanon, Lisa, Patrick, Monique, Wehling, Carrie, Fotouhi, David, Stern, Allyn, Hladick, Christopher, Neugeboren, Steven, Nalven, Heidi, Shaw, Carla

Sent from my iPhone

To: Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Stern, Allyn[Stern.Alyn@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Wed 7/10/2019 11:44:20 PM (UTC)
Subject: For your review: Draft withdrawal notice for 3pm meeting
Draft - Withdrawal of 2014 Proposed Determination 10July2019.docx

David – Attached is a draft withdrawal notice based on your outline below. As you will see, there are a few areas there require additional work. I have included comment bubbles to explain some of our thinking and highlight the parts we are still working through. We look forward to your feedback at our 3:00 discussion tomorrow.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Fotouhi, David
Sent: Thursday, June 27, 2019 1:44 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Straw outline for withdrawal notice

DELIBERATIVE—DRAFT

Steve, Carrie, Heidi,

Please let me know your thoughts and reactions to this straw outline that I've drafted quickly below. As you can see, there are some questions embedded in here for our discussion. I would appreciate it if you could take some time over the next few days to think about/improve this outline and start building out some of the rationale. Could we aim to have a working draft for our discussion (understanding that there will be placeholders, notes, etc.) by July 8? If not, let me know what day would be reasonable, understanding it may take some additional thinking to get a better sense of this. Thanks.

Straw outline for withdrawal notice

Ex. 5 AC/DP

Ex. 5 AC/DP

Appointment

From: Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
Sent: 7/10/2019 10:19:43 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Location: 4020 WJCN
Importance: Normal
Subject: Meeting Forward Notification: Discuss Pebble Mine Notice
Start Time: Thur 7/11/2019 7:00:00 PM (UTC)
End Time: Thur 7/11/2019 7:30:00 PM (UTC)
Required Attendees: Fotouhi, David

Your meeting was forwarded

Palomaki, Ashley has forwarded your meeting request to additional recipients.

Required Attendees: Fotouhi, David
Meeting
Discuss Pebble Mine Notice

Required Attendees: Fotouhi, David
Required Attendees: Fotouhi, David
Meeting Time
Thursday, 11 July 2019 15:00-15:30.

Required Attendees: Fotouhi, David
Required Attendees: Fotouhi, David
Recipients
Hladick, Christopher

Required Attendees: Fotouhi, David
All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Appointment

From: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Sent: 7/10/2019 10:04:22 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

To: Wehling, Carrie[Wehling.Carrie@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Leopold, Matt (OGC)/[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Thur 5/16/2019 12:24:33 PM (UTC)
Subject: Re: Bristol followup

Sure. I'd be happy to follow up. I'll see you at reg review this morning.

Sent from my iPhone

On May 15, 2019, at 11:15 PM, Wehling, Carrie <Wehling.Carrie@epa.gov> wrote:

<image001.gif>

Hi, Matt. Thanks for inviting us to the meeting today; it was helpful for us since some of that was new to us.

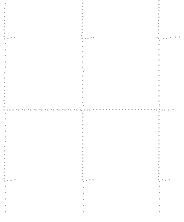
Some of the statements made by Pebble representatives were lacking context so if you have questions or would like us to followup with "ground truthing" any of the issues raised, we'd be happy to do so. Just let us know.

Thanks.

Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Thur 5/16/2019 3:15:09 AM (UTC)
Subject: Bristol followup



Hi, Matt. Thanks for inviting us to the meeting today; it was helpful for us since some of that was new to us.

Some of the statements made by Pebble representatives were lacking context so if you have questions or would like us to followup with “ground truthing” any of the issues raised, we’d be happy to do so. Just let us know.

Thanks.

Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

Appointment

From: Mutz, John [mutz.john@epa.gov]
Sent: 5/20/2019 6:06:45 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Meeting with Pebble Mine
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/15/2019 6:00:00 PM
End: 5/15/2019 7:00:00 PM
Show Time As: Tentative

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]
From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: Fri 6/7/2019 8:47:16 PM (UTC)
Subject: FW: WEEK OF JUNE 10 – EPA COMMUNICATIONS
EPA HQ Bristol Bay visit statement-messages draft 6-5-19.docx

FYI.

Region 10 desk statement on AK trip in green highlight below & attached. (Not a release, but held in case of press inquiry. This is also in Matt's travel binder.)

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: McFaul, Jessica
Sent: Friday, June 07, 2019 4:35 PM
Subject: WEEK OF JUNE 10 – EPA COMMUNICATIONS
Importance: High

DRAFT-DELIBERATIVE: SUBJECT TO CHANGE

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Jessica McFaul
Senior Advisor for Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
mcfaul.jessica@epa.gov
Desk: 202-564-6429
Cell: Ex. 6 Personal Privacy (PP)

To: Fotouhi, David[Fotouhi.David@epa.gov]; Molina, Michael[molina.michael@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; Block, Molly[block.molly@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Konkus, John[konkus.john@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Mon 3/4/2019 6:33:05 PM (UTC)
Subject: RE: Pebble Mine

Adding Molina to be sure. Is this what Wheeler is recusing himself from?

From: Fotouhi, David
Sent: Monday, March 4, 2019 1:32 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: Re: Pebble Mine

I'm okay with this. Maybe say

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone
On Mar 4, 2019, at 1:14 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Alright if we add in the highlighted?

From: Fotouhi, David
Sent: Monday, March 4, 2019 12:58 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: Pebble Mine

DELIBERATIVE

Please see below. One note for your consideration in bracketed red text.

Proposed statement:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP)
fotouhi.david@epa.gov

From: Abboud, Michael

Sent: Monday, March 4, 2019 12:15 PM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>

Subject: Pebble Mine

David –

Just tried your phone. Wheeler just announced he was recusing himself from Pebble Mine. We want to draft up a statement in case we are asked about this issue. I believe Dave Ross is also recused from this issue as well so it may fall to either Lee or Chris Hladick to handle the issue.

Michael Abboud

U.S. Environmental Protection Agency
Office of Public Affairs

Ex. 6 Personal Privacy (PP)

To: Abboud, Michael[abboud.michael@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Willey, Katharine[willey.katharine@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 7/29/2019 5:13:14 PM (UTC)
Subject: RE: Pebble Mine story--E&E News

Looks like the story is live already <https://www.eenews.net/greenwire/2019/07/29/stories/1060806401>

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Monday, July 29, 2019 1:08 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Pebble Mine story--E&E News

DELIBERATIVE

Thanks. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Monday, July 29, 2019 12:58 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Pebble Mine story--E&E News

Ex. 5 Deliberative Process (DP)

From: awittenberg@eenews.net <awittenberg@eenews.net>
Sent: Monday, July 29, 2019 12:45 PM
To: Press <Press@epa.gov>
Subject: Pebble Mine story--E&E News

Hi Everyone,

Hope you all had good weekends. I have a story coming out in Greenwire today on sources saying EPA did not send the 3(b) letter to the Army Corps regarding Pebble Mine, as it would have to under the 1992 MOU for the Clean Water Act 404(q) process. The story will say that Matt Leopold did not want to send the “will affect” language, and instead asked the Army Corps of Engineers for more time to come to a decision on that language, asking to wait until the corps has decided it will issue a permit or a ROD for the mine.

Do you have any comment? I apologize for the late notice on this, but I just got everything firmed up. I will be able to add a statement from EPA until roughly 1:30.

Ariel

Ariel Wittenberg
E&E News reporter
awittenberg@eenews.net

Ex. 6 Personal Privacy (PP)

[@arielwittenberg](#)

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | [@EENewsUpdates](#)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Tue 6/25/2019 11:38:50 PM (UTC)
Subject: FW: Memo to R10
EDIT Suspension directive v2019-06-24 (003).docx

Matt:

Justin reviewed the draft memo to R10 and made the suggestions in the attached. I've responded to his comments in the documents. Are you interested in adopting any of them?

Thanks,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Konkus, John[konkus.john@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Wed 6/26/2019 6:51:11 PM (UTC)
Subject: Re: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Thanks, John. I talked to Matt. He thinks you all should resend with the corrected headline. He's available now for the next few minutes by phone if you'd like to discuss it with him. Thanks
Sent from my iPhone

On Jun 26, 2019, at 2:24 PM, Konkus, John <konkus.john@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

On Jun 26, 2019, at 2:03 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone





On Jun 26, 2019, at 1:57 PM, EPA Press Office <press@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)





U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

-  Like
 -  Tweet
 -  Share
 -  Forward
- [Unsubscribe](#)

To: Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Wed 6/26/2019 5:50:29 PM (UTC)
Subject: Fwd: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Sent from my iPhone

Begin forwarded message:

From: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Date: June 26, 2019 at 1:49:41 PM EDT
To: "Dennis, Allison" <Dennis.Allison@epa.gov>
Cc: "Konkus, John" <konkus.john@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Here's the direct link to the memo: <https://www.epa.gov/sites/production/files/2019-06/documents/pebblemine508.pdf>

On Jun 26, 2019, at 1:48 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

+ Andrea

-----Original Message-----

From: Konkus, John
Sent: Wednesday, June 26, 2019 1:48 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

How's the link coming along?

-----Original Message-----

From: Forsgren, Lee
Sent: Wednesday, June 26, 2019 12:42 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Nancy

Please wait to post till OW has done some prep work. Allison will let everyone know when we are ready to post. Should be around 1:30ish.

Lee

Sent from my iPhone

On Jun 26, 2019, at 12:38 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

We are working with region 10 to post -- is there any reason they should not post it

-----Original Message-----

From: Konkus, John

Sent: Wednesday, June 26, 2019 12:37 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Looping in Nancy.

-----Original Message-----

From: Forsgren, Lee

Sent: Wednesday, June 26, 2019 12:37 PM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

David

OW will post the memo et al to the website.

Lee

Sent from my iPhone

On Jun 26, 2019, at 12:25 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

The signed memo is attached. Lee, I understand your folks will be able to post it to EPA's Bristol Bay webpage. John, Mike, let me know if you need anything else from me regarding the press release. Thanks!

David Fotouhi

Principal Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov<<mailto:fotouhi.david@epa.gov>>

From: DC-WJCN-4020-M@epa.gov <DC-WJCN-4020-M@epa.gov>

Sent: Wednesday, June 26, 2019 8:49 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject:

<image2019-06-26-084914.pdf>

To: Konkus, John[konkus.john@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Wed 6/26/2019 5:12:08 PM (UTC)
Subject: Re: Final Draft: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Ex. 5 Deliberative Process (DP)

Sent from my iPhone




On Jun 26, 2019, at 1:04 PM, Konkus, John <konkus.john@epa.gov> wrote:

This has been approved by Matt. Once we have the link, we will send it. We expect that around 1:30pm.



WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site. "Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Matt Leopold**. "At the same time, we are going to invoke the well-understood Clean Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here: <LINK>




<image005.png>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

<image006.png> Like

<image007.png> Tweet

<image008.png> Share

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Unsubscribe

To: Konkus, John[konkus.john@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Wed 6/26/2019 4:50:45 PM (UTC)
Subject: RE: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

With edits in red text below from Matt and me:

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Konkus, John
Sent: Wednesday, June 26, 2019 12:43 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: DRAFT: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Ex. 5 Deliberative Process (DP)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 6/24/2019 2:46:12 PM (UTC)
Subject: RE: Bristol Bay/Pebble Mine issue

Thank you!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Mutz, John (Fletcher)
Sent: Monday, June 24, 2019 10:46 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Bristol Bay/Pebble Mine issue

I’ve set this for 4:30pm.

From: Fotouhi, David
Sent: Monday, June 24, 2019 10:35 AM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: FW: Bristol Bay/Pebble Mine issue

Could you send a calendar invite to Konkus and Abboud for a meeting at either 3:30 or 4:30pm today with Matt and me (whatever works best for Matt)? Let’s do it in Matt’s office. Topic can be “General discussion.” Thanks!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Monday, June 24, 2019 10:33 AM
To: Konkus, John <konkus.john@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Bristol Bay/Pebble Mine issue

Excellent; I’ll ask Matt’s assistant to send around a calendar invitation. Thanks so much.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Konkus, John
Sent: Monday, June 24, 2019 10:32 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Bristol Bay/Pebble Mine issue

Mike and I will be here.

From: Fotouhi, David

Sent: Monday, June 24, 2019 10:31 AM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: Bristol Bay/Pebble Mine issue

Corry, John, Mike,

Matt and I would like to discuss with you a memo we're planning to release on Wednesday of this week regarding Bristol Bay/Pebble Mine so that we can develop a press strategy. Would one or more of you be available at 3:30 or 4:30 this afternoon? Thanks.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Willey, Katharine[willey.katharine@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 7/29/2019 9:30:19 PM (UTC)
Subject: RE: Pebble draft release
Edits to Statement.docx

DELIBERATIVE

My suggested edits are tracked in the attached.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Sent: Monday, July 29, 2019 5:02 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Pebble draft release

Lee suggested adding a line like the one in red, so I drafted one for your consideration. Feel free to edit as you see fit. Thanks.

From: Abboud, Michael
Sent: Monday, July 29, 2019 4:38 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Pebble draft release

For Region 10 to send, does anyone have any edits?

DRAFT:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Tue 7/16/2019 11:34:36 PM (UTC)
Subject: Call with Ryan Fisher
[Ryan Fisher.vcf](#)

Fletcher: could you please set up a call for Matt and me on Wednesday with Ryan Fisher, Principal Deputy Assistant Secretary of the Army for Civil Works? 15 minutes should be sufficient. The topic is the Pebble Mine permitting process. Matt and I have met with Ryan many times, so he's familiar with us. Thanks!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 6/17/2019 2:21:47 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Accepted: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Stern, Allyn[Stern.Allyn@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 6/27/2019 4:06:03 PM (UTC)
Subject: Re: Call on pebble tomorrow

We've heard from R10 that an evacuation drill is scheduled at this same time, so Fletcher will be looking to move this meeting to later in the day.

Sent from my iPhone

> On Jun 26, 2019, at 6:25 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

>

> John and Allyn - this morning I had recommended to matt that a call be held with OW and the region about the memo issued this afternoon, which is now on the calendar for 130. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

>

> I will try you but you can also call me this evening at the number below. Thanks.

>

> Sent from my iPhone

>

> Steven Neugeboren

> Associate General Counsel for Water

> U.S. EPA

> 202-564-5488

To: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Wed 6/26/2019 2:58:14 PM (UTC)
Subject: Videoconference with R10 tomorrow

Could you set up a 30-minute VTC for Matt and me tomorrow afternoon called "Bristol Bay/Pebble Mine"? The attendees should include Matt, me, and:

Hladick, Christopher <hladick.christopher@epa.gov>
Neugeboren, Steven <Neugeboren.Steven@epa.gov>;
Goodin, John <Goodin.John@epa.gov>;
Allnutt, David <Allnutt.David@epa.gov>;
Wehling, Carrie <Wehling.Carrie@epa.gov>;
Nalven, Heidi <Nalven.Heidi@epa.gov>;
Palomaki, Ashley <Palomaki.Ashley@epa.gov>;
McGrath, Patricia <mcgrath.patricia@epa.gov>;
LaCroix, Matthew <LaCroix.Matthew@epa.gov>;
Kaiser, Russell <Kaiser.Russell@epa.gov>;
Hough, Palmer <Hough.Palmer@epa.gov>;
Stern, Allyn <Stern.Allyn@epa.gov>;
Szerlog, Michael <Szerlog.Michael@epa.gov>;
Frazer, Brian <Frazer.Brian@epa.gov>;
Forsgren, Lee <Forsgren.Lee@epa.gov>;
McCracken, Betsy W. <mccracken.betsy@epa.gov>;

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Fotouhi, David[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Tue 6/25/2019 2:43:48 PM (UTC)
Subject: Fwd: DRAFT Factsheet
Edits to DRAFT factsheet regarding: **Ex. 5 Deliberative Process (DP)**
[ATT00001.htm](#)

Ex. 5 Deliberative Process (DP)

Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 24, 2019 at 7:53:09 PM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: FW: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Abboud, Michael
Sent: Monday, June 24, 2019 6:05 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

Michael Abboud
U.S. Environmental Protection Agency
Office of Public Affairs
M: **Ex. 6 Personal Privacy (PP)**

To: Schwab, Justin[Schwab.Justin@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 6/24/2019 11:08:51 PM (UTC)
Subject: Fwd: Memo to R10
Suspension directive v2019-06-24.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 24, 2019 at 10:23:10 AM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: Memo to R10

DELIBERATIVE—DO NOT RELEASE

Please find a revised clean version of the draft memo attached to this e-mail.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Schwab, Justin[Schwab.Justin@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 6/24/2019 10:57:30 PM (UTC)
Subject: Fwd: Memo to R10
Suspension directive v2019-06-24.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 24, 2019 at 10:23:10 AM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: Memo to R10

DELIBERATIVE—DO NOT RELEASE

Please find a revised clean version of the draft memo attached to this e-mail.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/29/2019 5:59:01 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Accepted: WH Political Affairs Pebble Mine Briefing
Location: 197 EEOB
Start: 5/2/2019 6:30:00 PM
End: 5/2/2019 7:15:00 PM
Recurrence: (none)

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 7/11/2019 9:07:41 PM (UTC)
Subject: FW: For Matt's binder tonight: Draft Withdrawal Notice
Draft - Withdrawal of 2014 Proposed Determination 11July2019.docx

FYI, this will also be in your binder.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Nalven, Heidi

Sent: Thursday, July 11, 2019 5:05 PM

To: Fotouhi, David <Fotouhi.David@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>

Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>

Subject: For Matt's binder tonight: Draft Withdrawal Notice

Attached is the latest version of the draft notice withdrawing the proposed determination for the Pebble Deposit Area.

Fletcher – Please include this in Matt’s binder for tonight.

Thanks,
Heidi

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 7/11/2019 9:05:16 PM (UTC)
Subject: RE: For Matt's binder tonight: Draft Withdrawal Notice

Thanks!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Nalven, Heidi
Sent: Thursday, July 11, 2019 5:05 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: For Matt's binder tonight: Draft Withdrawal Notice

Attached is the latest version of the draft notice withdrawing the proposed determination for the Pebble Deposit Area.

Fletcher – Please include this in Matt’s binder for tonight.

Thanks,
Heidi

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 5/22/2019 7:19:26 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
Subject: Accepted: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Busy

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 5/16/2019 1:53:23 PM (UTC)
Subject: FW: Follow-up regarding previous PLP litigation
[Order granting motions to dismiss.pdf](#)
[APPELLATE-#329081-v1-Pebble Mine; decision.PDF](#)
[Pebble v. EPA Settlement Agreement.pdf](#)

FYI

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Nalven, Heidi
Sent: Thursday, May 16, 2019 9:42 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Follow-up regarding previous PLP litigation

Hi David,

Ex. 5 AC/DP

Please let me know if you need any additional information.

Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 5/21/2019 11:08:50 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
Subject: Accepted: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/22/2019 3:00:00 PM
End: 5/22/2019 3:30:00 PM
Recurrence: (none)

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Fotouhi, David[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 7/11/2019 12:03:22 AM (UTC)
Subject: RE: For your review: Draft withdrawal notice for 3pm meeting

Thanks! I will review and look forward to discussing tomorrow.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Nalven, Heidi
Sent: Wednesday, July 10, 2019 7:44 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: For your review: Draft withdrawal notice for 3pm meeting

David – Attached is a draft withdrawal notice based on your outline below. As you will see, there are a few areas there require additional work. I have included comment bubbles to explain some of our thinking and highlight the parts we are still working through. We look forward to your feedback at our 3:00 discussion tomorrow.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Fotouhi, David
Sent: Thursday, June 27, 2019 1:44 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Straw outline for withdrawal notice

DELIBERATIVE—DRAFT

Steve, Carrie, Heidi,

Please let me know your thoughts and reactions to this straw outline that I've drafted quickly below. As you can see, there are some questions embedded in here for our discussion. I would appreciate it if you could take some time over the next few days to think about/improve this outline and start building out some of the rationale. Could we aim to have a working draft for our discussion (understanding that there will be placeholders, notes, etc.) by July 8? If not, let me know what day would be reasonable, understanding it may take some additional thinking to get a better sense of this. Thanks.

Straw outline for withdrawal notice

Ex. 5 AC/DP

Ex. 5 AC/DP

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 5/20/2019 2:50:17 AM (UTC)
Subject: RE: Letter to EPA from AG Clarkson

Hi, Matt.

If there was an attachment to this email, it did not come through. Could you resend it? Thanks.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Message-----

From: Leopold, Matt (OGC)
Sent: Sunday, May 19, 2019 10:47 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: FW: Letter to EPA from AG Clarkson

Passing along. I just spotted this email as it was in my junk mail. OGC/ORC could you work on a draft response to the AG for me to review?

Thank you, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

-----Original Message-----

From: Dizon, Ninia R (LAW) <ninia.dizon@alaska.gov>
Sent: Wednesday, May 15, 2019 1:00 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Knudson, Kip C (GOV) <kip.knudson@Alaska.gov>; Clarkson, Kevin G (LAW) <kevin.clarkson@alaska.gov>
Subject: Letter to EPA from AG Clarkson

Dear Mr. Leopold,

Please find attached letter sent on behalf of Alaska Attorney General Kevin G. Clarkson. The original will follow by mail.

Thank you.

Kind regards,

Ninia Dizon

Executive Secretary

Office of the Attorney General

1031 West Fourth Avenue, Suite 200

Anchorage, AK 99501

Tel: (907) 269-5602

Fax: (907) 269-5110

Email: ninia.dizon@alaska.gov <<mailto:ninia.dizon@alaska.gov>>

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Fri 6/7/2019 9:12:01 PM (UTC)
Subject: RE: WEEK OF JUNE 10 – EPA COMMUNICATIONS
EPA HQ Bristol Bay visit statement-messages draft 6-5-19.docx

Some edits from me are tracked in the attached for your consideration. Sorry for not providing these earlier—I don’t recall having seen this document. Thanks!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Stachowiak, Robert
Sent: Friday, June 7, 2019 4:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: FW: WEEK OF JUNE 10 – EPA COMMUNICATIONS
Importance: High

FYI.

Region 10 desk statement on AK trip in green highlight below & attached. (Not a release, but held in case of press inquiry. This is also in Matt’s travel binder.)

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: McFaul, Jessica
Sent: Friday, June 07, 2019 4:35 PM
Subject: WEEK OF JUNE 10 – EPA COMMUNICATIONS
Importance: High

DRAFT-DELIBERATIVE: SUBJECT TO CHANGE

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Jessica McFaul
Senior Advisor for Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
mcfaul.jessica@epa.gov
Desk: 202-564-6429
Cell: Ex. 6 Personal Privacy (PP)

To: Abboud, Michael[abboud.michael@epa.gov]
Cc: Beach, Christopher[beach.christopher@epa.gov]; Block, Molly[block.molly@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Konkus, John[konkus.john@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 3/4/2019 5:57:58 PM (UTC)
Subject: RE: Pebble Mine

DELIBERATIVE

Please see below. One note for your consideration in bracketed red text.

Proposed statement:

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Abboud, Michael
Sent: Monday, March 4, 2019 12:15 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; Block, Molly <block.molly@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: Pebble Mine

David –

Just tried your phone. Wheeler just announced he was recusing himself from Pebble Mine. We want to draft up a statement in case we are asked about this issue. I believe Dave Ross is also recused from this issue as well so it may fall to either Lee or Chris Hladick to handle the issue.

Michael Abboud

U.S. Environmental Protection Agency

Office of Public Affairs

M: Ex. 6 Personal Privacy (PP)

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 2/14/2019 5:26:51 PM (UTC)
Subject: RE: Teleconference with Alaska Attorney General

Thanks. I'll block the time and can join or discuss in advance.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Leopold, Matt (OGC)
Sent: Thursday, February 14, 2019 12:24 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: Teleconference with Alaska Attorney General

FYI

From: Veney, Carla
Sent: Thursday, February 14, 2019 12:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: FW: Teleconference with Alaska Attorney General

FYI - It's set for tomorrow.

From: Sniffen, Clyde E (LAW) <ed.sniffen@alaska.gov>
Sent: Thursday, February 14, 2019 12:06 PM
To: Veney, Carla <Veney.Carla@epa.gov>
Subject: RE: Teleconference with Alaska Attorney General

Thanks for the response! Today is packed for the AG, but tomorrow at 2:00 EST (10:00 Alaska time) works great. If you send me a number, we can call Mr. Leopold.

Thank You,

Clyde “Ed” Sniffen Jr.
Chief of Staff
Alaska Department of Law

From: Veney, Carla <Veney.Carla@epa.gov>
Sent: Thursday, February 14, 2019 7:48 AM
To: Sniffen, Clyde E (LAW) <ed.sniffen@alaska.gov>
Subject: FW: Teleconference with Alaska Attorney General

Good Morning, would 6:00EST work on your end today? If not, Matt can talk between 2:00-2:30 EST tomorrow.

From: Leopold, Matt (OGC)
Sent: Thursday, February 14, 2019 11:02 AM
To: Veney, Carla <Veney.Carla@epa.gov>
Subject: Re: Teleconference with Alaska Attorney General

Sent from my iPhone

Mr. Leopold,

I'm the Chief of Staff to Attorney General Kevin Clarkson. I'd like to arrange a time for you and Mr. Clarkson to have a 10 minute conversation about EPA's proposed determination of the Bristol Bay 404(c) permit. Can you let me know if you have time this week for a quick call? Thank you very much – I know your time is limited.

Clyde "Ed" Sniffen Jr.

Chief of Staff

Alaska Department of Law

1031 W. 4th Ave. #200

Anchorage, AK 99501

907-269-5100 (Anchorage)

907-465-4044 (Juneau)

Subject: Call with ASA re Pebble
Priority: Normal
Status: Completed
Percent Complete: 100%
Owner: Fotouhi, David

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 10:19:07 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]
Subject: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Tentative

I'll ensure that a phone line is set up.

-----Original Appointment-----

From: Fotouhi, David
Sent: Wednesday, July 10, 2019 6:54 AM
To: Fotouhi, David; Neugeboren, Steven; Wehling, Carrie; Nalven, Heidi; Stern, Allyn; Palomaki, Ashley
Cc: Shaw, Carla; Patrick, Monique; Castanon, Lisa
Subject: Discuss Pebble Mine Notice
When: Thursday, July 11, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 4020 WJCN

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Tentative

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 10:19:07 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
Subject: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

I'll ensure that a phone line is set up.

-----Original Appointment-----

From: Fotouhi, David
Sent: Wednesday, July 10, 2019 6:54 AM
To: Fotouhi, David; Neugeboren, Steven; Wehling, Carrie; Nalven, Heidi; Stern, Allyn; Palomaki, Ashley
Cc: Shaw, Carla; Patrick, Monique; Castanon, Lisa
Subject: Discuss Pebble Mine Notice
When: Thursday, July 11, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 4020 WJCN

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 7/10/2019 10:19:05 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
Subject: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Tentative

I'll ensure that a phone line is set up.

-----Original Appointment-----

From: Fotouhi, David
Sent: Wednesday, July 10, 2019 6:54 AM
To: Fotouhi, David; Neugeboren, Steven; Wehling, Carrie; Nalven, Heidi; Stern, Allyn; Palomaki, Ashley
Cc: Shaw, Carla; Patrick, Monique; Castanon, Lisa
Subject: Discuss Pebble Mine Notice
When: Thursday, July 11, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 4020 WJCN

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/22/2019 3:00:00 PM
End: 5/22/2019 3:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/22/2019 3:00:00 PM
End: 5/22/2019 3:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Pebble Draft Discussion
Location: TBD

Start: 5/22/2019 2:00:00 PM
End: 5/22/2019 2:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Hold: Pebble Draft Discussion
Location: tbd
Start: 5/22/2019 2:00:00 PM
End: 5/22/2019 2:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Hold: Pebble Draft Discussion
Location: tbd
Start: 5/22/2019 5:00:00 PM
End: 5/22/2019 5:30:00 PM
Show Time As: Tentative

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 10:19:07 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
Subject: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 10:19:07 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]

Subject: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 7/10/2019 10:19:05 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
Subject: FW: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 11/14/2018 12:30:40 AM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Pirzadeh, Michelle (Pirzadeh.Michelle@epa.gov) [Pirzadeh.Michelle@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Nalven, Heidi [Nalven.Heidi@epa.gov]
BCC: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted [R10SeaRA-Room-21Tahoma-VTC@epa.gov]
Subject: Pebble Options/ Conf Line **Ex. 6 Personal Privacy (PP)**
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Busy

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/22/2019 3:00:00 PM
End: 5/22/2019 3:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 5/17/2019 8:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Pebble Draft Discussion
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End: 5/22/2019 3:30:00 PM
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Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
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CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Pebble Draft Discussion
Location: TBD
Start: 5/22/2019 2:00:00 PM
End: 5/22/2019 2:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
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CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Hold: Pebble Draft Discussion
Location: tbd
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Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
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To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]
Subject: Hold: Pebble Draft Discussion
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To: Hladick, Christopher [hladick.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]; Mutz, John [mutz.john@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: Pebble Draft Discussion
Location: 3402 WJC-N (Ryan's Office)
Start: 5/23/2019 1:00:00 PM
End: 5/23/2019 1:30:00 PM
Show Time As: Tentative

Appointment

From: Gahner, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1124DF96CE2C40BAB3557B5857BCC87D-GAHNER, PAM]
Sent: 11/14/2018 12:30:40 AM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Pirzadeh, Michelle (Pirzadeh.Michelle@epa.gov) [Pirzadeh.Michelle@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Nalven, Heidi [Nalven.Heidi@epa.gov]
BCC: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted [R10SeaRA-Room-21Tahoma-VTC@epa.gov]
Subject: Pebble Options/ Conf Line 1 Ex. 6 Personal Privacy (PP)
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Busy

POC David Allnutt

Patty McGrath
Palmer Hough (HQ-OW – by phone)
Ashley Palomaki
Erik Peterson
Allyn Stern
Cara Steiner-Riley
Michelle P.

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Fri 6/14/2019 11:36:31 PM (UTC)
Subject: Fwd: Why we support due process for reviewing Pebble mine - Anchorage Daily News

Matt - Lisa Reimers asked that you receive the link to this piece co-authored by her, Brad, and Sue, all of whom we met with on Wednesday.

Safe travels back to DC.

Sent from my iPhone

Begin forwarded message:

From: "Fordham, Tami" <Fordham.Tami@epa.gov>
Date: June 14, 2019 at 3:16:29 PM PDT
To: "Allnutt, David" <Allnutt.David@epa.gov>
Subject: FW: Why we support due process for reviewing Pebble mine - Anchorage Daily News

Hi David,
Would you mind forwarding this along to Matt Leopold. Thanks! Tami

-----Original Message-----

From: Lisa <lisa.reimers@iliamnacorp.com>
Sent: Friday, June 14, 2019 8:44 AM
To: Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Why we support due process for reviewing Pebble mine - Anchorage Daily News

Hi Tami,
Would you please give this to Leopold. Thank you for helping organize the meetings.
Lisa
<https://www.adn.com/opinions/2019/06/14/why-we-support-due-process-for-reviewing-pebble-mine/>

Sent from my iPhone

Message

From: Thomas Allen [thomas@markeallenlaw.com]
Sent: 3/25/2019 1:22:56 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: Tom Allen - NAK Investor

Hello all,

Is there any reason I still haven't received a response regarding the CEI petition and the illegal BBWA and Veto? The EPA wrote me a letter last fall informing me that a response was being worked on. One of the guys who started the petition for the Pebble veto is now living in another country...Please fix this illegal action promptly. It is embarrassing for the EPA to still have an illegal veto in place. At the very least, it is misguided and I think everyone here can agree with that. The BBWA is based on a hypothetical mine that is not being permitted...among other things. Additionally the BBWA violates the FOIA. Please correct this soon or at the very least, give me a response.

Pebble shouldn't be treated any differently during permitting than any other mine. You guys should be using science not whiners to make a decision. Also, your delay on the veto could lead to damages, especially considering NDM has yet to find a partner because of all the illegal red tape. The state wants fair permitting, I want fair permitting, the President wants fair permitting. What the hell is going on with this agency? I demand some sort of response by Friday. I find it highly disrespectful and rude for you to keep ignoring me.

Tom Allen

Thomas D. Allen

Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: Ex. 6 Personal Privacy (PP)
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.
Fridays: By appointment only

To: Wheeler, Andrew[wheeler.andrew@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Thomas Allen[thomas@markeallenlaw.com]
Sent: Wed 3/20/2019 7:56:59 PM (UTC)
Subject: Tom Allen - Pebble Mine and Veto

Hello all,

Should I be expecting a response from any of you by email or mail?

Thank you,
Tom Allen

Thomas D. Allen

Holdsworth and Allen, P.C.

Westowne 2, Suite 106

P.O. Box 126

Liberty, Missouri 64069

Phone: Ex. 6 Personal Privacy (PP)

Fax: (816) 781-3054

Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.

Fridays: By appointment only

Appointment

From: Aguirre, Janita [Aguirre.Janita@epa.gov]
Sent: 12/12/2018 3:36:18 PM
To: Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Tovar, Katlyn [tovar.katlyn@epa.gov]; Maddox, Donald [Maddox.Donald@epa.gov]
Subject: HQ Room for Pebble Options
Location: WJCE 3233 (see also separate invitation from R10)
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Tentative

Appointment

From: Tallent, Robert [Tallent.Robert@epa.gov]
Sent: 12/17/2018 4:33:54 PM
To: Brown, DonaldM [Brown.DonaldM@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Elleman, Robert [Elleman.Robert@epa.gov]; WigginsLewis, Miriam [WigginsLewis.Miriam@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Frithsen, Jeff [Frithsen.Jeff@epa.gov]; vanDrunick, Suzanne [vanDrunick.Suzanne@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Suter, Glenn [suter.glenn@epa.gov]; Sheppard, Tracy [Sheppard.Tracy@epa.gov]; Kirby, Kevin [KIRBY.KEVIN@EPA.GOV]; Holloman, Vincia [Holloman.Vincia@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]
Subject: Scoping meeting for RFC 19001 - Bristol Bay Watershed
Location: DCRoomWEST6303/DC-CCW-OEI
Start: 1/16/2019 7:00:00 PM
End: 1/16/2019 8:00:00 PM
Show Time As: Tentative

Appointment

From: Tallent, Robert [Tallent.Robert@epa.gov]
Sent: 12/17/2018 4:33:56 PM
To: Tallent, Robert [Tallent.Robert@epa.gov]; Brown, DonaldM [Brown.DonaldM@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Elleman, Robert [Elleman.Robert@epa.gov]; WigginsLewis, Miriam [WigginsLewis.Miriam@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; vanDrunick, Suzanne [vanDrunick.Suzanne@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Sheppard, Tracy [Sheppard.Tracy@epa.gov]; Kirby, Kevin [KIRBY.KEVIN@EPA.GOV]; Holloman, Vincia [Holloman.Vincia@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Bahadori, Tina [Bahadori.Tina@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Frithsen, Jeff [Frithsen.Jeff@epa.gov]; Suter, Glenn [suter.glenn@epa.gov]
Subject: Scoping meeting for RFC 19001 - Bristol Bay Watershed
Location: DCRoomWEST6303/DC-CCW-OEI
Start: 1/16/2019 7:00:00 PM
End: 1/16/2019 8:00:00 PM
Show Time As: Busy

Appointment

From: Tallent, Robert [Tallent.Robert@epa.gov]
Sent: 12/17/2018 4:33:56 PM
To: Tallent, Robert [Tallent.Robert@epa.gov]; Brown, DonaldM [Brown.DonaldM@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Elleman, Robert [Elleman.Robert@epa.gov]; WigginsLewis, Miriam [WigginsLewis.Miriam@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; vanDrunick, Suzanne [vanDrunick.Suzanne@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Sheppard, Tracy [Sheppard.Tracy@epa.gov]; Kirby, Kevin [KIRBY.KEVIN@EPA.GOV]; Holloman, Vincia [Holloman.Vincia@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Bahadori, Tina [Bahadori.Tina@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Frithsen, Jeff [Frithsen.Jeff@epa.gov]; Suter, Glenn [suter.glenn@epa.gov]
Subject: Scoping meeting for RFC 19001 - Bristol Bay Watershed
Location: DCRoomWEST6303/DC-CCW-OEI
Start: 1/16/2019 7:00:00 PM
End: 1/16/2019 8:00:00 PM
Show Time As: Busy

This meeting is the initial scoping team meeting to develop a response to the RFC 19001 concerning the Bristol Bay Watershed.

It is preferable that you attend the meeting in person if at all possible. For those not able to attend in person, the call in number is as follows:

Dial-in Number: [Ex. 6 Personal Privacy (PP)]

Conference ID: [Ex. 6 Personal Privacy (PP)]

Your participation in developing this response is greatly appreciated.

If you have further questions please contact:

Bob Tallent
EQMD
202-564-6809

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 12/12/2018 3:36:21 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Tovar, Katlyn [tovar.katlyn@epa.gov]; Maddox, Donald [Maddox.Donald@epa.gov]
Subject: HQ Room for Pebble Options
Location: WJCE 3233 (see also separate invitation from R10)
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Tentative

To: Goodin, John[Goodin.John@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 7/30/2019 2:29:50 PM (UTC)
Subject: FW: BB Roll Out
Bristol Bay PD withdraw 404q letters Comms Plan 7-29-19v2.docx

Wanted to make sure **Ex. 5 Deliberative Process (DP)**

From: Skadowski, Suzanne
Sent: Monday, July 29, 2019 5:22 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Stern, Allyn <Stern.Alyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: BB Roll Out

Good Afternoon!

Ex. 5 Deliberative Process (DP)

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Palomaki, Ashley
Sent: Monday, July 29, 2019 1:49 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Stern, Allyn <Stern.Alyn@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Monday, July 29, 2019 1:20 PM
To: Stern, Allyn <Stern.Alyn@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

From: Stern, Allyn

Sent: Monday, July 29, 2019 4:09 PM

To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>

Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Subject: Re: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Allyn Stern

Regional Counsel

US EPA Region 10

206-553-1223

stern.allyn@epa.gov

On Jul 29, 2019, at 12:58 PM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Suzanne Skadowski

Public Affairs Specialist | Media Relations

U.S. Environmental Protection Agency

Region 10 Pacific Northwest - Seattle

O: 206-553-2160 Ex. 6 Personal Privacy (PP)

Follow us on Twitter! @EPAnorthwest

Like us on Facebook! @eparegion10

From: Stern, Allyn

Sent: Monday, July 29, 2019 12:57 PM

To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>

Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>

Subject: Re: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Allyn Stern

Regional Counsel

US EPA Region 10

206-553-1223

stern.allyn@epa.gov

On Jul 29, 2019, at 12:55 PM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Suzanne Skadowski
Public Affairs Specialist / Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Stern, Allyn
Sent: Monday, July 29, 2019 12:53 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Fwd: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Also,
just FYI - I won't be in the office tomorrow, but you don't need me for the communications roll out.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: July 29, 2019 at 12:48:26 PM PDT
To: "Willey, Katharine" <willey.katharine@epa.gov>, "Stern, Allyn" <Stern.Alyn@epa.gov>, "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>, "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
Cc: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Grandinetti, Cami" <Grandinetti.Cami@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>
Subject: RE: BB Roll Out Call

Matt and Chris connected; Ex. 5 Deliberative Process (DP) Thanks.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Appointment-----

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Monday, July 29, 2019 11:28 AM
To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David; Drinkard, Andrea; Abboud, Michael; Holsman, Marianne; Grandinetti, Cami; Opalski, Dan
Subject: BB Roll Out Call
When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4304/DC-Ariel-Rios-OGC

Call-in #:

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

To: Brown, DonaldM[Brown.DonaldM@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Elleman, Robert[Elleman.Robert@epa.gov]; WigginsLewis, Miriam[WigginsLewis.Miriam@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Frithsen, Jeff[Frithsen.Jeff@epa.gov]; vanDrunick, Suzanne[vanDrunick.Suzanne@epa.gov]; Schofield, Kate[Schofield.Kate@epa.gov]; Bahadori, Tina[Bahadori.Tina@epa.gov]; Sheppard, Tracy[Sheppard.Tracy@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Kirby, Kevin[KIRBY.KEVIN@EPA.GOV]
Cc: Holloman, Vincia[Holloman.Vincia@epa.gov]
From: Tallent, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E37839F989C407E872887B4F0CF11C5-TALLENT, RO]
Sent: Tue 1/29/2019 12:19:35 PM (UTC)
Subject: RFC 19001 - Bristol Bay Watershed scoping meeting
[RFC 19001- EO Scoping Agenda and minutes Bristol Bay.doc](#)
[RFC 19001 - Bristol Bay.pdf](#)
[RFC 19001 Useful links.docx](#)

Good morning everyone,

Welcome back!

I would like to reschedule our Scoping Team meeting for February 6, 2019. It will be held in WJC West Room 6303 at 2:00PM Eastern time. It is preferable that this meeting be attended in person. If you are not able to attend in person the call-in number is as follows:

Call-in number: Ex. 6 Personal Privacy (PP)
Conference ID: Ex. 6 Personal Privacy (PP)

This meeting is the initial scoping team meeting to develop a response to the RFC 19001 concerning the Bristol Bay Watershed.

Whether you are able to attend this meeting or not I wanted to send you the relative documents for this RFC. This is for your convenience and review. There are the RFC, draft scoping meeting agenda, and some useful links.

If you have questions please feel free to reach out to either myself or Kevin Kirby.

Thanks for all you do!

Bob

Robert G. Tallent, D.Sc., PMP
US Environmental Protection Agency
Office of Mission Support
Office of Enterprise Information Programs
Enterprise Quality Management Division (2811T)
WJC West, 6340F
1200 Pennsylvania Ave., NW (MC-2811T)
Washington, DC 20460
Phone: 202 564-6809
tallent.robert@epa.gov

Life is either a daring adventure...or nothing. H. Keller

To: Nalven, Heidi[Nalven.Heidi@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Tue 12/18/2018 10:06:30 PM (UTC)
Subject: RE: Review: Pebble Limited Partnership CMS Response

Yes, agree we should share clean version with David, so he is prepared in case there are questions/discussions about it.
Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Nalven, Heidi
Sent: Tuesday, December 18, 2018 3:27 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Review: Pebble Limited Partnership CMS Response

Thanks Palmer.

Carrie – I was thinking we would share the clean version OW sends to Lee with David as FYI? Or would we wait to see if Lee wants to share with David? Thoughts?

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Hough, Palmer
Sent: Tuesday, December 18, 2018 3:24 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Review: Pebble Limited Partnership CMS Response

FYI

From: Hough, Palmer
Sent: Tuesday, December 18, 2018 3:23 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

Erik

Attached are John Goodin’s edits in redline. Let me know if the Region is ok with these. John would like to get a clean version up to Lee so that he can react to it as soon as he gets back on 12/26.

Thanks, Palmer

From: Peterson, Erik
Sent: Tuesday, December 18, 2018 2:23 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

Ex. 5 Deliberative Process (DP)

Please forward this new draft for HQ review.

I also heard back on the extension. Our extension was approved until **12/28/18**.

We will need to hear back from you all at HQ by something like 12/26 to get this out on time.

The extension was granted by Michelle Pirzadeh, R10 DRA. If we think we need more time I'll re-submit another extension request.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Peterson, Erik

Sent: Friday, December 14, 2018 1:07 PM

To: Allnutt, David <Allnutt.David@epa.gov>

Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>

Subject: RE: Review: Pebble Limited Partnership CMS Response

Palmer,

I have not heard back from David and he is out today.

In the interest of time, I suggest you move forward on your HQ check of the attached draft letter to Pebble Limited Partnership. The draft has been reviewed by Ashley and I think it is a reasonable example of what a brief, approved language response looks like. In other words, I think it is far enough along to provide an opportunity for others at HQ to provide a check along the lines you suggested.

Ex. 5 Deliberative Process (DP)

The due date is 12/21, so feedback by the 19th is about as late as it can come before we have to request an extension.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Peterson, Erik

Sent: Wednesday, December 12, 2018 12:47 PM

To: David Allnutt (Allnutt.David@epa.gov) <Allnutt.David@epa.gov>

Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>

Subject: Review: Pebble Limited Partnership CMS Response

David,

The 404(c) Team would like your interim review and feedback for the linked attachment "Collier Draft Letter".

We are requesting this interim review because we would like to run this up in HQ's Office of Water. We are aware that this is a different process and that it might challenge meeting the deadline of December 21st.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

If possible,

feedback by COB the 13th would be great.

Thank you!



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Peterson, Erik

Sent: Monday, December 10, 2018 12:58 PM

To: Bennett, Brittany <bennett.brittany@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: Review: Pebble Limited Partnership CMS Response

Hello Bristol Bay 404c Team,

Please see the draft response to the Pebble Limited Partnership letter (19-000-1541). I'm attaching what I believe is our most recent correspondence with PLP as an FYI (18-000-5380).

It would be great to have edits by 12/11/18 at 12 pm PST if possible, in order to inform a discussion at our 404c Team meeting if needed.

Thank you,



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

Appointment

From: Aguirre, Janita [Aguirre.Janita@epa.gov]
Sent: 12/12/2018 3:36:18 PM
To: Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Tovar, Katlyn [tovar.katlyn@epa.gov]; Maddox, Donald [Maddox.Donald@epa.gov]
Subject: HQ Room for Pebble Options
Location: WJCE 3233 (see also separate invitation from R10)
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Tentative

To: Hough, Palmer[Hough.Palmer@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Wed 12/19/2018 9:15:44 PM (UTC)
Subject: RE: Review: Pebble Limited Partnership CMS Response

Yup. I just sent him a follow-up email.

From: Hough, Palmer
Sent: Wednesday, December 19, 2018 4:10 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Review: Pebble Limited Partnership CMS Response

FYI – can you get feedback from David F this week so we can go ahead and close the loop with R10?

From: Forsgren, Lee
Sent: Wednesday, December 19, 2018 4:08 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>
Subject: Re: Review: Pebble Limited Partnership CMS Response

Brian

I am fine with Chris Hladick’s response.

Lee

Sent from my iPhone
On Dec 19, 2018, at 2:43 PM, Frazer, Brian <Frazer.Brian@epa.gov> wrote:

Lee,

On 12/5/18, Pebble sent the attached letter to Acting Administrator Wheeler requesting that EPA withdraw the Pebble PD:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

John G. has reviewed this version.

R10’s deadline to send this out is **12/28**, we would appreciate your thoughts on it as soon as you return to the office on 12/26 so we can close the loop with R10.

Thanks,

bf

*Brian Frazer, Acting Director
Oceans, Wetlands and Communities Division
Office of Wetland, Oceans and Watersheds
Office of Water
USEPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202-566-1652*

<19-000-1541_Collier Draft Letter_12-19-18.docx>
<19-000-1541_Correspondence.pdf>

To: Bennett, Brittany[bennett.brittany@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Fri 12/7/2018 7:22:39 PM (UTC)
Subject: Review: Thomas Allen CMS Response
[19-000-1379 Correspondence.pdf](#)

Peterson, Erik has shared a OneDrive for Business file with you. To view it, click the link below.

 19-000-1379_Draft Letter.docx

Hello Bristol Bay 404c Team,

Please see the attached draft response to the attached BBNC letter. If you have any edits, please get them to me by 12pm PST 12/11/18.

Thank you,



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

Tue Nov 27 17:09:46 EST 2018
CMS.OEX@epamail.epa.gov
FW: Tom Allen - Pebble Mine
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Hope, Brian
Sent: Tuesday, November 27, 2018 10:09:46 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Cc: Molina, Michael
Subject: FW: Tom Allen - Pebble Mine

From: Thomas Allen <thomas@markeallenlaw.com>
Sent: Tuesday, November 27, 2018 3:42 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject: Tom Allen - Pebble Mine

Mr. Wheeler,

When will your administration be responding to the CEI Petition? And when do you plan to make a decision on whether on not to lift the predetermined veto on the Pebble Mine? Also, I hope you had a great Thanksgiving. Sorry to bother you again, I've gotten no responses from Christopher Hladick, Henry Darwin, or Erik Peterson.

Any response would be greatly appreciated. You know I am an investor in the Pebble Mine. That being said I don't want any harm to the environment. I just believe NEPA should determine everything, not a corrupt veto based on a corrupt assessment (BBWA).

All the best,

Tom

Thomas D. Allen

Holdsworth and Allen, P.C.

Westowne 2, Suite 106

P.O. Box 126

Liberty, Missouri 64069

Phone: Ex. 6 Personal Privacy (PP)

Fax: (816) 781-3054

Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.

Fridays: By appointment only

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Hough, Palmer[Hough.Palmer@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Wed 12/12/2018 1:50:36 AM (UTC)
Subject: FW: Briefing Slides for Hladick and Forsgren 12/12/18 Pebble Options Meeting
BB Presentation Hladick and Forsgren Dec.2018.pptx

Ashley Palomaki

Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik

Sent: Tuesday, December 11, 2018 4:56 PM

To: R10-ORA <R10-ORA@epa.gov>

Cc: Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>

Subject: Briefing Slides for Hladick and Forsgren 12/12/18 Pebble Options Meeting

Hello Pam and Office of the Regional Administrator,

The briefing slides for the 1pm PST 12/12/18 Hladick and Lee Forsgren Pebble Options meeting are attached. Please share with Chris and Lee as appropriate.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

To: Bennett, Brittany[bennett.brittany@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 12/10/2018 8:57:50 PM (UTC)
Subject: Review: Pebble Limited Partnership CMS Response
[19-000-1541_Correspondence.pdf](#)
[18-000-5380.Final Response..pdf](#)

Peterson, Erik has shared a OneDrive for Business file with you. To view it, click the link below.

 19-000-1541_Collier Draft Letter.docx

Hello Bristol Bay 404c Team,

Please see the draft response to the Pebble Limited Partnership letter (19-000-1541). I'm attaching what I believe is our most recent correspondence with PLP as an FYI (18-000-5380).

It would be great to have edits by 12/11/18 at 12 pm PST if possible, in order to inform a discussion at our 404c Team meeting if needed.

Thank you,



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

To: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 12/3/2018 6:16:18 PM (UTC)
Subject: Cancelling 12/4/18 Bristol Bay 404(c) Team Call and Update
[19-000-1379 Correspondence.pdf](#)

Hello BB 404(c) Team,

I'm planning to cancel the 12/4 call because I am in a training, most of what we talked about last week remains current, and there are a few updates that can be done by email.

Since last week's 11/27 call, Palmer shared the final DeFazio response and let us know about the CMS from BBNC. Good to know that Brittany is working on the BBNC response and that she will share the draft with the 404c team because we have another CMS from Thomas Allen that I am working on. They both have to do with the CEI RFC.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

-----Original Appointment-----

From: Peterson, Erik

Sent: Monday, September 17, 2018 1:06 PM

To: Peterson, Erik; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Palomaki, Ashley; Bennett, Brittany; Ortiz, Michael; Skadowski, Suzanne; Lindsay, Andrea; Whitley, Annie; Wake, Neverley; Hough, Palmer; Herbst, John

Subject: Bristol Bay 404(c) Team Call

When: Tuesday, December 4, 2018 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).

Where: R10Sea-Room-14WallaWalla/R10-Rooms-Service-Center

→ Join by Phone

Ex. 6 Personal Privacy (PP)

→ Meeting Organizer

Erik Peterson, USEPA (206) 553-6382 office

To: Hough, Palmer[Hough.Palmer@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 11/15/2018 5:38:58 PM (UTC)
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 12:10 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Carrie,

Ex. 5 Deliberative Process (DP)

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP)

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Wehling, Carrie
Sent: Thursday, November 15, 2018 11:58 AM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Thanks, Tracy. I have not seen many of these. Can you summarize the process for me? Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 11:50 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi,
Thanks for the heads up. I will make sure that you are including on the scoping team for the this RFC.

Tracy L. Sheppard, Attorney-Advisor,

US EPA, Office of General Counsel

Sheppard.Tracy@epa.gov

(202) 564-1305 office

Ex. 6 Personal Privacy (PP) mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Nalven, Heidi

Sent: Thursday, November 15, 2018 11:47 AM

To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Hi Tracy – I just wanted to provide you a heads up on the attached IQA petition. I am sure we will be following up with questions.

Thanks,

Heidi

Heidi Nalven

U.S. EPA Office of General Counsel

202-564-3189

From: Hough, Palmer

Sent: Thursday, November 15, 2018 9:06 AM

To: Allnutt, David <Allnutt.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Folks:

Yesterday, the Competitive Enterprise Institute submitted a request for EPA to “either substantially correct or withdraw its 2014 Bristol Bay Watershed Assessment (BBWA) and the proposed determination based upon it.” Their letter states that “[t]he BBWA fails the applicable standards of information quality” and that “[i]ts ongoing dissemination and use to effectively block the Pebble Mine project in Alaska is therefore in violation of the law.”

I’m not sure what the next steps are but wanted folks to be aware.

-Palmer

From: Goodin, John

Sent: Thursday, November 15, 2018 8:49 AM

To: Frazer, Brian <Frazer.Brian@epa.gov>

Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Smith, Bernice <Smith.Bernice@epa.gov>

Subject: Fwd: IQA Petition - Bristol Bay Watershed Assessment

Brian— let me know your recommendation for POC. Trust you'll coordinate with the Region and OGC as well. I'd like to send a brief heads up to Lee before Monday too.

Thanks!

John

Sent from my iPhone

Begin forwarded message:

From: "Bahadori, Tina" <Bahadori.Tina@epa.gov>
Date: November 15, 2018 at 8:32:30 AM EST
To: "Goodin, John" <Goodin.John@epa.gov>, "Elleman, Robert" <Elleman.Robert@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Good Morning,
Sharing this for your awareness – I am sure it will eventually work its way through the system.
Thanks,
Tina

From: Kirby, Kevin **On Behalf Of** Quality
Sent: Wednesday, November 14, 2018 5:09 PM
To: Watkins, Stephen <watkins.stephen@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>
Cc: Bahadori, Tina <Bahadori.Tina@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Greetings from IQG Central!

We just had a new Request for Correction submitted today (see below) concerning the Bristol Bay Watershed Assessment. As the primary POCs for your organizations, I am hopeful that you can help me identify the Subject Matter experts for this request. Please let me know who you would like me to include in the Scoping Meeting by next week, Nov. 21.

The NPS and Watershed focus suggest OW as the Information Owners.

Participants in the FR Notice reveal an NCEA colleague (past Director) at the table during the peer review assessment. Useful links for this RFC petition:

- EPA's website on Bristol Bay: <https://www.epa.gov/bristolbay>
- Federal Register Notice of external peer review meeting:
<https://www.federalregister.gov/documents/2012/07/06/2012-16441/notice-of-the-peer-review-meeting-for-epas-draft-report-entitled-an-assessment-of-potential-mining>

Thanks!

Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Ben Lieberman [mailto:Ben.Lieberman@cei.org]
Sent: Wednesday, November 14, 2018 11:54 AM
To: Quality <Quality@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: IQA Petition - Bristol Bay Watershed Assessment

Enclosed is an Information Quality Act Request for Correction regarding the Bristol Bay Watershed Assessment. Do not hesitate to contact me if you need any additional information.

Ben Lieberman
Senior Fellow

Gahner, Pamela

From: Hladick, Christopher
Sent: Thursday, September 27, 2018 1:28 PM
To: Gahner, Pamela
Subject: Fwd: Pebble Project

FYI

Sent from my iPhone

Begin forwarded message:

From: Tim Stephens **Ex. 6 Personal Privacy (PP)**
Date: September 27, 2018 at 11:41:59 AM PDT
To: hladick.christopher@epa.gov
Subject: Pebble Project

Mr. Hladick,

I am reaching out as a proponent of the Pebble Project in Alaska. There have been some disturbing statements by the Alaska opposition groups, as mentioned in a Bloomberg and EE News Article, that EPA officials have communicated the preemptive veto against Pebble will stand and there is no intentions to remove it. Is this true? If so, why hasn't this been made public?

Many have tried to get to the bottom of this and we are either ignored or get a canned response that provides zero information. What I am struggling to understand is why are there EPA officials chummy with Pebble opposition groups providing commentary on a moments notice, but proponents are completely ignored? This simply is not acceptable. I apologize if this frustration is misguided towards you, and if so please direct my frustrations to those who can take ownership. This has gone on long enough and we all know this preemptive veto violates the President's agenda.

--

-Tim S

To: Nalven, Heidi[Nalven.Heidi@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Wed 11/28/2018 12:21:42 AM (UTC)
Subject: FW: PRIORITY: Need to identify R10 SMEs for Bristol Bay Watershed study

FYI -

Ashley Palomaki

Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Brown, DonaldM
Sent: Tuesday, November 27, 2018 4:06 PM
To: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Cc: Tallent, Robert <Tallent.Robert@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: PRIORITY: Need to identify R10 SMEs for Bristol Bay Watershed study

Kevin,

My supervisor, David Allnutt, has identified the following to be included in the scoping meeting on the IQG request for the Bristol Bay Watershed Assessment:

Donald M. Brown
Ashley Palomaki
Erik Peterson

He too is interested in being included in the meeting as his availability allows. We look forward to working with you on this request.

Thanks,
Donald M. Brown, Regional Quality Assurance Manager
Office of Environmental Review and Assessment
USEPA Region 10
1200 6th Avenue Suite 155, OERA-140
Seattle WA 98101
Voice: (206) 553-0717
Brown.DonaldM@epa.gov (Please note the "M")

From: Kirby, Kevin
Sent: Tuesday, November 27, 2018 7:49 AM
To: Brown, DonaldM <Brown.DonaldM@epa.gov>
Cc: Tallent, Robert <Tallent.Robert@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>
Subject: PRIORITY: Need to identify R10 SMEs for Bristol Bay Watershed study

Hello Don,

I am reaching out to you in hopes of gaining your assistance in identifying who in Region 10 may have history in this IQG request (RFC 19001) dealing with a watershed assessment of Bristol Bay or would be the appropriate SMEs to provide R10 input during our IQG Scoping Team meeting.

We just had a new Request for Correction submitted concerning the Bristol Bay Watershed Assessment. As the primary POCs for your organizations, I am hopeful that you can help me identify the Subject Matter experts for this request. Please let me know who you would like me to include in the Scoping Meeting by this Friday, Dec. 1.

The NPS and Watershed focus suggest OW as the Information Owners.

Participants in the FR Notice reveal an NCEA colleague (past Director) at the table during the peer review assessment.

The subject area is in EPA Region 10, suggesting a Regional interest.

Useful links for this RFC petition:

- EPA's website on Bristol Bay: <https://www.epa.gov/bristolbay>
- Federal Register Notice of external peer review meeting: <https://www.federalregister.gov/documents/2012/07/06/2012-16441/notice-of-the-peer-review-meeting-for-epas-draft-report-entitled-an-assessment-of-potential-mining>

Thanks!

Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Bennett, Brittany[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D7B265C202C467791CA4D4AC6B8DB8B-BENNETT, BR]
Sent: Thur 12/6/2018 3:39:07 PM (UTC)
Subject: Review: BBNC CMS Response
[BBNC Letter.pdf](#)

Bennett, Brittany has shared a OneDrive for Business file with you. To view it, click the link below.

 BBNC Draft Response 12.4.18.docx

Hello Bristol Bay team,

Please see the attached draft response to the attached BBNC letter. If you have any edits, please get them to me by 2pm Eastern tomorrow (12/7).

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Campbell, Ann
To: Fields, Wanda
Cc: Brown, Sineta; WigginsLewis, Miriam
Subject: Enter into CMD: Bristol Bay Watershed Assessment
Date: Wednesday, November 21, 2018 9:32:50 AM

Wanda, please enter the original incoming into CMS for a response. Thank you.

Ann Campbell
Chief of Staff (acting)
Office of Water

From: Forsgren, Lee
Sent: Wednesday, November 21, 2018 9:12 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Re: Bristol Bay Watershed Assessment

Yes please.

Sent from my iPhone

On Nov 21, 2018, at 7:35 AM, Campbell, Ann <Campbell.Ann@epa.gov> wrote:

Sure thing. Do you want a response prepared?

Ann Campbell
Chief of Staff (acting)
Office of Water

On Nov 20, 2018, at 10:32 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Ann
Can we get this into the CMS system.

Lee

Sent from my iPhone

Begin forwarded message:

From: "Daniel L. Cheyette" <dcheyette@BBNC.NET>
Date: November 20, 2018 at 8:01:28 PM EST
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: Bristol Bay Watershed Assessment

Lee,

When we last spoke in September you let us know that EPA's position on the Bristol Bay Proposed Determination and the Bristol Bay Watershed Assessment had not changed and there was no reason for the agency to reconsider those documents at that time. This was welcome news to us as we believe the BBWA was a thorough and robust document that accurately described the risks that large-scale hardrock mining would pose to the region's fisheries, economies and way of life, and the proposed determination was a reasonable measure to protect the region from these potential threats.

This good work by the EPA nevertheless continues to come under criticism; most recently from the Competitive Enterprise Institute which recently sent a letter to EPA challenging the BBWA. I am emailing you to urge EPA to disregard these baseless attacks on the work of the agency. As we have discussed in prior comments and meetings, the Bristol Bay Watershed Assessment was the product of a robust, thorough and peer-review led effort that lasted for more than two years and took into account more than a million public comments (EPA's response to these comments addressed most, if not all, of the criticisms raised in CEI's recent letter).

We continue to believe that EPA is correct in its assessment that nothing has changed with respect to Pebble and there is no justification or need to take any action with respect to either the BBWA or the Proposed Determination. I further trust you would let BBNC know if anything different was being considered.

As always appreciate your work and willingness to meet and discuss these issues which are of great importance to our shareholders and the Bristol Bay region.

Regards,
Dan

Daniel L. Cheyette
Vice President, Lands and Natural Resources
Bristol Bay Native Corporation
P: 907.278.3602
D: 907.265.7855
www.bbnc.net

To: Hough, Palmer[Hough.Palmer@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 8/13/2018 7:38:16 PM (UTC)
Subject: Update for DeFazio Response?

Hello,

I would greatly appreciate hearing where this DeFazio response is in the process.

Anything you know or can share will be helpful for the Bristol Bay check-in with Linda Anderson Carnahan at 9 am PST tomorrow.

Thank you!



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Hough, Palmer [mailto:no-reply@sharepointonline.com]
Sent: Tuesday, August 07, 2018 5:12 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Hough, Palmer has shared 'Draft DeFazio Response 8.7.18'

Folks

Attached is our draft response to the 7-19-18 control from DeFazio and Carper which deals with both the 404c rulemaking and Pebble.

Please provide edits by NLT noon Thursday 8/9 so we can turn around a draft for management review by COB 8/9.

Thanks, Palmer

Open Draft DeFazio Response 8.7.18.docx

See more related to Hough, Palmer in Delve.



Get the SharePoint mobile app!



To: Hough, Palmer[Hough.Palmer@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 12/10/2018 5:41:34 PM (UTC)
Subject: RE: Review: Thomas Allen CMS Response

Palmer is correct. Sorry for any confusion. The draft letter I've shared for feedback is to Mr. Thomas Allen.

I used Brittany's BBNC draft letter and email as a model.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Hough, Palmer

Sent: Sunday, December 9, 2018 10:41 AM

To: Peterson, Erik <Peterson.Erik@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: RE: Review: Thomas Allen CMS Response

No edits from me (but this is not a response to a BBNC letter)

From: Peterson, Erik

Sent: Friday, December 07, 2018 2:23 PM

To: Bennett, Brittany <bennett.brittany@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: Review: Thomas Allen CMS Response

Hello Bristol Bay 404c Team,

Please see the attached draft response to the attached BBNC letter. If you have any edits, please get them to me by 12pm PST 12/11/18.

Thank you,



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

To: Frazer, Brian[Frazer.Brian@epa.gov]
Cc: Goodin, John[Goodin.John@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]; Smith, Bernice[Smith.Bernice@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Thur 11/15/2018 4:06:52 PM (UTC)
Subject: Re: IQA Petition - Bristol Bay Watershed Assessment

Not sure what this means but adding Carrie and Heidi.

Sent from my iPhone
Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

On Nov 15, 2018, at 11:00 AM, Frazer, Brian <Frazer.Brian@epa.gov> wrote:

John,

I'll get back with you no later than tomorrow.

bf

From: Goodin, John
Sent: Thursday, November 15, 2018 8:49 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Smith, Bernice <Smith.Bernice@epa.gov>
Subject: Fwd: IQA Petition - Bristol Bay Watershed Assessment

Brian— let me know your recommendation for POC. Trust you'll coordinate with the Region and OGC as well. I'd like to send a brief heads up to Lee before Monday too.

Thanks!

John

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To: "Goodin, John" <Goodin.John@epa.gov>, "Elleman, Robert" <Elleman.Robert@epa.gov>
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Tina

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Sent: Wednesday, November 14, 2018 5:09 PM
To: Watkins, Stephen <watkins.stephen@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>
Cc: Bahadori, Tina <Bahadori.Tina@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

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Useful links for this RFC petition:

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- Federal Register Notice of external peer review meeting:
<https://www.federalregister.gov/documents/2012/07/06/2012-16441/notice-of-the-peer-review-meeting-for-epas-draft-report-entitled-an-assessment-of-potential-mining>

Thanks!

Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Ben Lieberman [<mailto:Ben.Lieberman@cei.org>]

Sent: Wednesday, November 14, 2018 11:54 AM

To: Quality <Quality@epa.gov>

Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Subject: IQA Petition - Bristol Bay Watershed Assessment

Enclosed is an Information Quality Act Request for Correction regarding the Bristol Bay Watershed Assessment. Do not hesitate to contact me if you need any additional information.

Ben Lieberman
Senior Fellow
Competitive Enterprise Institute
(202) 331-2270

To: Hough, Palmer[Hough.Palmer@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Nogi, Jill[nogi.jill@epa.gov]
From: Anderson-Carnahan, Linda[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: Thur 8/16/2018 8:41:31 PM (UTC)
Subject: RE: Draft CMS - COMPLEX - 18-000-9804

We've had quite a discussion on this very topic.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Linda Anderson-Carnahan
Associate Director
Office of Environmental Review and Assessment
US EPA Region 10
Suite 155
1200 Sixth Ave
Seattle Wa, 98101
Office: (206) 553-2601
Cell: Ex. 6 Personal Privacy (PP)

-----Original Message-----

From: Hough, Palmer
Sent: Thursday, August 16, 2018 1:35 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>
Subject: RE: Draft CMS - COMPLEX - 18-000-9804

Erik

Ex. 5 Deliberative Process (DP)

-Palmer

-----Original Message-----

From: Peterson, Erik
Sent: Wednesday, August 15, 2018 8:21 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>
Subject: FW: Draft CMS - COMPLEX - 18-000-9804

Ashley, Palmer, Brittany and Heidi,

Please see the attached draft CMS response to correspondence 18-000-9804. If you have any issues with the attached draft please share them with myself, Jill Nogi and Linda Anderson-Carnahan. I am out for an external meeting 8/16 and on leave 8/17. My phone is forwarded.

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155

Seattle, Washington 98101-3140
(206) 553-6382

-----Original Message-----

From: Peterson, Erik
Sent: Wednesday, August 15, 2018 5:14 PM
To: Kelly, Christine M <kelly.christinem@epa.gov>
Cc: Padilla, Jocelyn B. <padilla.jocelyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>;
Nogi, Jill <nogi.jill@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>;
Gahner, Pamela <gahner.pamela@epa.gov>
Subject: CMS - COMPLEX - 18-000-9804

Christine and all:

A draft response to CMS 18-000-9804 is attached and is saved to the G drive at the following address.

Ex. 5 Deliberative Process (DP)

G:\Baker\CMS\OERA\Bristol Bay - CMS\2018\18-000-9804_Pebble Project - 404c

Thank you Christine for making an extension request and thank you all! **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

-----Original Message-----

From: Gahner, Pamela
Sent: Wednesday, August 15, 2018 2:28 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Padilla, Jocelyn B. <padilla.jocelyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>;
Nogi, Jill <nogi.jill@epa.gov>; Kelly, Christine M <kelly.christinem@epa.gov>; Anderson-Carnahan,
Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: Re: CMS de-control question: 18-000-9804

Hi Erik,
I'm home I'll today so I cannot recall each of these letters.

Ex. 5 Deliberative Process (DP)

I will be in the office Thursday and can look further into this if you want to stop by.

Pam Gahner
Sent from my iPhone

> On Aug 15, 2018, at 1:58 PM, Peterson, Erik <Peterson.Erik@epa.gov> wrote:
>
> Marianne, Pam and Jocelyn,
>
> I'm writing to ask about CMS 18-000-9804.
>
> As the Bristol Bay 404(c) project manager, I manage a number of Pebble related CMSs. Many of the incoming CMSs regarding Pebble are categorized as FYI. I've attached two recent CMSs on Pebble that were categorized as FYI, see 6860 and 6107. In my view **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

>
> G:\Baker\CMS\OERA\Bristol Bay - CMS\2018
>
> Erik Peterson, NEPA Reviewer
> U.S. EPA, Region 10
> 1200 Sixth Avenue, Suite 155
> Seattle, Washington 98101-3140
> (206) 553-6382
>
>
>
> -----Original Message-----
> From: Kelly, Christine M
> Sent: Tuesday, August 14, 2018 3:45 PM
> To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
> Cc: Nogi, Jill <nogi.jill@epa.gov>; Peterson, Erik
> <Peterson.Erik@epa.gov>
> Subject: RE: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804
>
>
>
> Christine Kelly
> EPA- Region 10
> 206-553-2770
>
> -----Original Message-----
> From: Anderson-Carnahan, Linda
> Sent: Tuesday, August 14, 2018 3:43 PM
> To: Kelly, Christine M <kelly.christinem@epa.gov>
> Cc: Nogi, Jill <nogi.jill@epa.gov>; Peterson, Erik
> <Peterson.Erik@epa.gov>
> Subject: FW: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804

>
> Can you attach the original letter and routing sheet.
>
> Linda Anderson-Carnahan
> Associate Director
> Office of Environmental Review and Assessment US EPA Region 10 Suite
> 155
> 1200 Sixth Ave
> Seattle Wa, 98101
> Office: (206) 553-2601
> Cell: Ex. 6 Personal Privacy (PP)
>
> -----Original Message-----
> From: Pirzadeh, Michelle
> Sent: Tuesday, August 14, 2018 3:06 PM
> To: Gahner, Pamela <gahner.pamela@epa.gov>
> Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Anderson-Carnahan,
> Linda <Anderson-Carnahan.Linda@epa.gov>
> Subject: Re: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804
>
> I can't see the incoming letter, but it seems we should be able to respond timely. I am adding in Linda
AC to weigh in.
>
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>
> Sent from my iPhone
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>> On Aug 14, 2018, at 12:05 PM, Gahner, Pamela <gahner.pamela@epa.gov> wrote:
>>
>> Michelle and/or Marianne:
>>
>> Is this extension ok to approve in CMS?
>>
>> Pam
>>
>> -----Original Message-----
>> From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
>> Sent: Tuesday, August 14, 2018 12:03 PM
>> To: Gahner, Pamela <gahner.pamela@epa.gov>
>> Subject: CMS Extension Request - Christinem Kelly - R10-18-000-9804
>>
>> An extension request has been made for control R10-18-000-9804 by Christinem Kelly to extend
his/her due date from 08/21/2018 to 08/31/2018. The reason given for the request is as follows:
>>
>> Extension needed to accommodate staff travel plans, etc.
>>
>> Please go to the CMS webpage to view the details of the control.
>>
>> Summary Information -
>> Control Number: R10-18-000-9804
>> Control Subject: Pebble Project - 404c
>> From: Stephens, Tim
>>
>>
>> Note: This Email was automatically generated. Please do not attempt to respond to it. You can

access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

> <18-000-9804_Control Slip.pdf>

> <18-000-9804_Correspondence.pdf>

> <18-000-6860- Correspondence.MacKinnon.pdf> <18-000-6860.Control

> Slip..pdf> <18-000-6107_Correspondence.pdf> <18-000-6107_Control

> Slip.pdf>

Correspondence Management System

Control Number: AX-18-001-0187

Printing Date: August 27, 2018

Citizen Information

Citizen/Originator: Allen, Thomas D.

Organization: Holdsworth and Allen, P.C.

Address: Westowne 2, P.O. Box 126, Liberty, MO 64069

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-18-001-0187

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 6, 2018

of Extensions: 0

Letter Date: Aug 21, 2018

Received Date: Aug 21, 2018

Addressee: AAD-Acting Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 401_1006_a Administrative Management - Controlled and major correspondence for employees other than senior officials

Subject: Awaiting comments on the proposed rule changes to the Clean Water Act; Pebble Mine

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

State-Tribal CNTL: N/A

CC: OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	R10	Aug 22, 2018	Sep 6, 2018	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Pamela Gahner	R10	R10-OERA	Aug 27, 2018	Sep 4, 2018	N/A
Instruction: CMS - COMPLEX **COMPLEX RESPONSE for RA SIGNATURE** Please submit response for RA review and signature no later than 09/04/2018. OERA is the primary responding office. ADMIN - Once the final letter has been reviewed by your OD, please save a copy in the G-Drive CMS folder (G:\Baker\CMS) and send an email to R10-ORA@epa.gov that a CMS is ready for the RA's review & signature. Please DO NOT attach the letter to the email. Remember the Yellow Folder & Concurrence still needs to come to the ORA Office also. For questions about the scope or content of the response, please contact Marianne Holsman or Michelle Pirzadeh.					

Supporting Information

Supporting Author: N/A

Correspondence Management System

Control Number: AX-18-001-0187

Printing Date: August 27, 2018

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Assign R10 as lead office	Aug 22, 2018
Pamela Gahner	R10	Accepted the group assignment	Aug 27, 2018
Pamela Gahner	R10	Assign R10-OWW as lead office	Aug 27, 2018
Pamela Gahner	R10	Retracted Assignment	Aug 27, 2018
Pamela Gahner	R10	Assign R10-OERA as lead office	Aug 27, 2018

Comments

Commentator	Comment	Date
No Record Found.		

To: Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Thur 8/9/2018 4:23:47 PM (UTC)
Subject: RE: Hough, Palmer has shared 'Draft DeFazio Response 8.7.18'

Nothing additional from me. Thanks, Palmer.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Hough, Palmer [mailto:no-reply@sharepointonline.com]
Sent: Tuesday, August 07, 2018 8:12 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Hough, Palmer has shared 'Draft DeFazio Response 8.7.18'

Folks

Attached is our draft response to the 7-19-18 control from DeFazio and Carper which deals with both the 404c rulemaking and Pebble.

Please provide edits by NLT noon Thursday 8/9 so we can turn around a draft for management review by COB 8/9.

Thanks, Palmer

Open Draft DeFazio Response 8.7.18.docx

See more related to Hough, Palmer in Delve.



Get the SharePoint mobile app!



To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Anderson-Carnahan, Linda[Anderson-Carnahan.Linda@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Thur 8/16/2018 12:20:57 AM (UTC)
Subject: FW: Draft CMS - COMPLEX - 18-000-9804
[18-000-9804 Draft Letter.docx](#)
[18-000-9804 Correspondence.pdf](#)

Ashley, Palmer, Brittany and Heidi,

Please see the attached draft CMS response to correspondence 18-000-9804. If you have any issues with the attached draft please share them with myself, Jill Nogi and Linda Anderson-Carnahan. I am out for an external meeting 8/16 and on leave 8/17. My phone is forwarded.

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

-----Original Message-----

From: Peterson, Erik
Sent: Wednesday, August 15, 2018 5:14 PM
To: Kelly, Christine M <kelly.christinem@epa.gov>
Cc: Padilla, Jocelyn B. <padilla.jocelyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Gahner, Pamela <gahner.pamela@epa.gov>
Subject: CMS - COMPLEX - 18-000-9804

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Ex. 5 Deliberative Process (DP)

G:\Baker\CMS\OERA\Bristol Bay - CMS\2018\18-000-9804_Pebble Project - 404c

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Ex. 5 Deliberative Process (DP)

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140

(206) 553-6382

-----Original Message-----

From: Gahner, Pamela

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To: Peterson, Erik <Peterson.Erik@epa.gov>

Cc: Padilla, Jocelyn B. <padilla.jocelyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>;

Nogi, Jill <nogi.jill@epa.gov>; Kelly, Christine M <kelly.christinem@epa.gov>; Anderson-Carnahan,

Linda <Anderson-Carnahan.Linda@epa.gov>

Subject: Re: CMS de-control question: 18-000-9804

Hi Erik,

I'm home I'll today so I cannot recall each of these letters.

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Ex. 5 Deliberative Process (DP)

> G:\Baker\CMS\OERA\Bristol Bay - CMS\2018

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> Erik Peterson, NEPA Reviewer

> U.S. EPA, Region 10

> 1200 Sixth Avenue, Suite 155

> Seattle, Washington 98101-3140

> (206) 553-6382

>

>

>

> -----Original Message-----

> From: Kelly, Christine M

> Sent: Tuesday, August 14, 2018 3:45 PM

> To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
> Cc: Nogi, Jill <nogi.jill@epa.gov>; Peterson, Erik
> <Peterson.Erik@epa.gov>
> Subject: RE: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804

>
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>
> Christine Kelly
> EPA- Region 10
> 206-553-2770

>
> -----Original Message-----
> From: Anderson-Carnahan, Linda
> Sent: Tuesday, August 14, 2018 3:43 PM
> To: Kelly, Christine M <kelly.christinem@epa.gov>
> Cc: Nogi, Jill <nogi.jill@epa.gov>; Peterson, Erik
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> Subject: FW: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804

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> Can you attach the original letter and routing sheet.

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> Linda Anderson-Carnahan
> Associate Director
> Office of Environmental Review and Assessment US EPA Region 10 Suite
> 155
> 1200 Sixth Ave
> Seattle Wa, 98101
> Office: (206) 553-2601
> Cell: Ex. 6 Personal Privacy (PP)

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> -----Original Message-----
> From: Pirzadeh, Michelle
> Sent: Tuesday, August 14, 2018 3:06 PM
> To: Gahner, Pamela <gahner.pamela@epa.gov>
> Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Anderson-Carnahan,
> Linda <Anderson-Carnahan.Linda@epa.gov>
> Subject: Re: CMS Extension Request - Christinem Kelly -
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>> Michelle and/or Marianne:

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>>
>> Pam

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>> Summary Information -
>> Control Number: R10-18-000-9804
>> Control Subject: Pebble Project - 404c
>> From: Stephens, Tim
>>
>>
>> Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.
> <18-000-9804_Control Slip.pdf>
> <18-000-9804_Correspondence.pdf>
> <18-000-6860- Correspondence.MacKinnon.pdf> <18-000-6860.Control Slip..pdf> <18-000-6107_Correspondence.pdf> <18-000-6107_Control Slip.pdf>

Gahner, Pamela

From: Hladick, Christopher
Sent: Tuesday, August 7, 2018 9:56 AM
To: Gahner, Pamela; Pirzadeh, Michelle
Subject: Fwd: Pebble Project

Sent from my iPhone

Begin forwarded message:

From: Tim Stephens **Ex. 6 Personal Privacy (PP)**
Date: August 6, 2018 at 2:28:16 PM PDT
To: hladick.christopher@epa.gov
Cc: "Hanson, Tanner" <tanner.hanson@mail.house.gov>, "Small, Jeff" <jeff.small@mail.house.gov>, Myron Ebell <Myron.ebell@cei.org>, epa-seattle@epa.gov
Subject: Pebble Project

Good afternoon Mr. Hladick,

My name is Tim Stephens and I am a shareholder in Northern Dynasty Minerals. First I would like to thank you for serving in your role.

I am concerned that the Pebble project has been overly politicized, and Pruitt's decision to suspend the process to remove the 404c was a mistake. It appears the only purpose the 404c serves is to create an uphill battle for Pebble. Reality is, once the EIS process is complete, the EPA can step in at any time, so why is there a preemptive veto other than to scare away investors? This does not fit at all into the President's agenda.

The facts - The 404c is based on a "study" that the EPA created with the NRDC, an organization under probe for colluding with China officials and undermining our Navy. This was a hypothetical mine plan that doesn't use modern day technology and processes. This study was created for one reason -- to shut down the project as copper is the 2nd most used resource by our Department of Defense.

The \$150 million environmental study NDM paid for, shows that the headwaters Pebble **potentially** impacts makes up about 0.05% of Bristol Bay's water. The **potential** impact to the total fishery is about 0.08%.

This is not a rational risk that warrants the 404c.

The investors are getting restless, social media pressure is building, the Western Caucus has put this issue in the spotlight. This needs to be resolved yesterday, not tomorrow, not 6 months from now. It won't be long before we start investing our \$\$ in media ads and TV time putting the EPA on blast for colluding with the NRDC, which has been proven via freedom of information (Check the lawsuit settlement). We expect the agency to return to acting in good faith.

Thank you for your time.

--
-Tim S

To: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Tue 8/14/2018 3:29:24 PM (UTC)
Subject: Bristol Bay 404(c) Team Meeting - 8/14/18

Hello BB 404(c) Team,

We will not have a 404(c) call on 8/14/18.

Below are updates for awareness. Let me know if you have new information on these updates, or, if you have suggestions for additional items this team should be tracking.

Also, food for thought, I am wondering about changing the timing of this standing meeting. Currently, the BB check-in occurs every other Tuesday at 9 am. 3.5 hours before we have our 404(c) team meeting.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

And, I remain on an intention for us to meet at least once a month. Currently, I think next week August 21st is a good day for us to have our 404(c) call. If you think the 28th is better please let me know.

Updates

30 minute check-in with Linda A-C on 8/14.

- The agenda for the BB check in includes: Preliminary EIS document review, FOIA, and the De Fazio response

FOIA

Ex. 5 Deliberative Process (DP)

De fazio and Carter Letter

- Comments from R10 ORC and OGC received. OWOW management received 8/9. Deadline for OWOW to send to OW is 8/14.

PLP leadership meeting

- I have no information about a potential meeting with Henry Darwin week of 7/30. Please let me know if you have any updates regarding this meeting.

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]
From: Drinkard, Andrea[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=808A6B7B65BF447F93DAD2F510FEAF61-ADRINKAR]
Sent: Wed 6/27/2018 9:05:12 PM (UTC)
Subject: Re: Media Inquiry: EPA CWA 404c Memo -- Anchorage Daily News

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Jun 27, 2018, at 4:54 PM, Hough, Palmer <Hough.Palmer@epa.gov> wrote:

Ex. 5 AC/DP

Sent from my iPhone

On Jun 27, 2018, at 4:48 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Ex. 5 AC/DP

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Hough, Palmer

Sent: Wednesday, June 27, 2018 4:10 PM

To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>

Cc: Allnutt, David <Allnutt.David@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Subject: Re: Media Inquiry: EPA CWA 404c Memo -- Anchorage Daily News

This is actually a complex question. I'm including Heidi, Carrie and Ashley

Ex. 5 AC/DP

What do folks think?

Ex. 5 Deliberative Process (DP)

Just FYI

From: Skadowski, Suzanne
Sent: Wednesday, June 27, 2018 11:56 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Media Inquiry: EPA CWA 404c Memo -- Anchorage Daily News

Allison & Andrea --

Incoming media inquiry on today's Administrator Memo:

Outlet: Anchorage Daily News

Reporter: Alex Demarban, alex@adn.com, Desk: Ex. 6 Personal Privacy (PP) Cell: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Questions: "The EPA memo from today ... How does that affect Pruitt's decision to retain the Obama-era protections (at least for the time being) on Pebble, those protections that were associated with what critics have said is a pre-emptive veto? How could it affect Pruitt's action?"

Deadline: today

Thanks.

*Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10*

From: Hough, Palmer
Sent: Wednesday, June 27, 2018 7:35 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: FW: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

FYI –

From: Drinkard, Andrea
Sent: Wednesday, June 27, 2018 10:27 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Fordham, Tami <Fordham.Tami@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Douglas, Mark <douglas.mark@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Subject: RE: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

Yes, please do send them to us. Thanks!

From: Hough, Palmer
Sent: Wednesday, June 27, 2018 10:26 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Fordham, Tami <Fordham.Tami@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Douglas, Mark <douglas.mark@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

David

I assume Andrea and Allison will want any questions related to the new memo to be routed through them.

Looping them both in so they can respond.

-Palmer

From: Allnutt, David
Sent: Wednesday, June 27, 2018 10:20 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Fordham, Tami <Fordham.Tami@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Douglas, Mark <douglas.mark@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: FW: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

Ex. 5 Deliberative Process (DP)

<image005.png>
<image007.png>
<image009.png> <image011.png>

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

From: Hough, Palmer
Sent: Wednesday, June 27, 2018 7:09 AM
To: Fordham, Tami <Fordham.Tami@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Douglas, Mark <douglas.mark@epa.gov>
Subject: FW: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

Tami – you may get questions regarding this new memo from the Administrator b/c it references Pebble

From: Nalven, Heidi
Sent: Wednesday, June 27, 2018 9:58 AM
To: Stern, Allyn <Stern.Alyn@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: FW: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

See page 3 for discussions about Pebble.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Frazer, Brian
Sent: Tuesday, June 26, 2018 9:50 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Fwd: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

It's official. The Administrator signed the 404c memo this afternoon.

bf

Brian Frazer, Acting Director
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
US Environmental Protection Agency
202-566-1652

Sent from my iPhone
Begin forwarded message:

From: "Johnson, Laura-S" <Johnson.Laura-S@epa.gov>
Date: June 26, 2018 at 5:00:16 PM EDT
To: "Wheeler, Andrew" <wheeler.andrew@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Shaw, Betsy" <Shaw.Betsy@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "White, Elizabeth" <white.elizabeth@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Minoli, Kevin" <Minoli.Kevin@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>, "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>
Cc: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Hope, Brian" <Hope.Brian@epa.gov>, "Fonseca, Silvina" <Fonseca.Silvina@epa.gov>, "Lovell, Will (William)" <lovell.william@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>, "Rush, Alan" <Rush.Alan@epa.gov>, "Nickerson, William" <Nickerson.William@epa.gov>, "Lamson, Amy" <Lamson.Amy@epa.gov>

"Pritchard, Eileen" <Pritchard.Eileen@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>, "Campbell, Ann" <Campbell.Ann@epa.gov>, "Lousberg, Macara" <Lousberg.Macara@epa.gov>, "Ruf, Christine" <Ruf.Christine@epa.gov>, "Evalenko, Sandy" <Evalenko.Sandy@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Sauerhage, Maggie" <Sauerhage.Maggie@epa.gov>, "Carroll, Carly" <Carroll.Carly@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, "McDonough, Owen" <mcdonough.owen@epa.gov>, "Wildeman, Anna" <wildeman.anna@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>

Subject: SIGNED: Memo from Administrator re Updating EPA's regs implementing CWA Section 404(c)

Good afternoon.

Today, the Administrator signed a memo with regard to updating EPA's regulations implementing Clean Water Act Section 404(c).

In this memo, the Administrator directs the Office of Water to prepare a proposal for submission to the Office of Management and Budget within six months from the date of this directive that proposes to consider, at a minimum, changes to EPA's regulations that would govern the future use of EPA's section 404(c) authority and seek public comment on the proposal. Please see the attached memo for changes presented by the Administrator.

The memo further states that changing the current regulations would help to ensure that the EPA exercises its extraordinary authority under section 404(c) in a careful, predictable and prudent manner.

Attached is the signed and dated memo.

Please contact me if you have any questions.

Sincerely,
Laura

Laura S. Johnson | U.S. Environmental Protection Agency
Special Assistant, Office of the Administrator | Cell: Ex. 6 Personal Privacy (PP)
Office (202) 566-1273 | johnson.laura-s@epa.gov

To: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 7/23/2018 7:44:55 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Meeting - 7/24/18

Hello BB 404(c) Team,

I propose that we cancel our call for tomorrow, 7/24/18. I also propose that we keep our 7/31 call next week. We have a check-in with Linda Anderson-Carnahan on 8/1 and I would like for us to have our own discussion about our current work and longer-term ideas before checking in with Linda.

Below are a few updates for awareness. Let me know if you have new information on these updates, or, if you have suggestions for additional items this team should be tracking.

Updates

Briefed the new Alaska Operations Office Director on Pebble on 7/23

FOIA

Ex. 5 Deliberative Process (DP)

Western Caucus Response

- Still in CMS for Lee Forsgren?

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 7/16/2018 7:27:58 PM (UTC)
Subject: Bristol Bay 404(c) Team Meeting - 7/17/18

Hello BB 404(c) Team,

I propose that we cancel our call for tomorrow, 7/17/18. I'll wait to see what to do about our 7/24 call. But, I would like to and plan to keep our 7/31 call. The 7/31 call is the day before what is likely to be our first Bristol Bay check-in with Linda Anderson-Carnahan (Acting for David until 9/10). I'd like for us as a team to have our own discussion before checking in with Linda. My goal is to be able to describe to Linda on 7/31 the current work of the 404(c) team as well as some of our longer term ideas.

Below are a few updates for awareness. Let me know if you have new information on these updates, or, if you have suggestions for additional items this team should be tracking.

Updates

Pebble briefing for Alaska Operations Office Director

- Patty McGrath, Erik and Ashley preparing to give overview briefing to new Alaska Operations Office Director on 7/23

FOIA

Ex. 5 Deliberative Process (DP)

Western Caucus Response

- Still in CMS for Lee Forsgren?

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Hough, Palmer[Hough.Palmer@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov]
Cc: Frazer, Brian[Frazer.Brian@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Wed 8/29/2018 4:43:32 PM (UTC)
Subject: RE: FYI ONLY: EPA drafting rule to curb its veto power

Hi –

Ex. 5 Deliberative Process (DP)

If you need anything else, just let us know.

Best,

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Hough, Palmer
Sent: Wednesday, August 29, 2018 6:08 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Re: FYI ONLY: EPA drafting rule to curb its veto power

Ann

Ex. 5 Deliberative Process (DP)

Palmer

Sent from my iPhone
On Aug 29, 2018, at 7:11 AM, Campbell, Ann <Campbell.Ann@epa.gov> wrote:

Palmer, I'll look in to this the best I can. Before I do though, where did this template come from?

Ann Campbell
Chief of Staff (acting)
Office of Water
On Aug 17, 2018, at 1:53 PM, Hough, Palmer <Hough.Palmer@epa.gov> wrote:

Ann:

It appears from this E&E article that Henry Darwin met with Pebble on August 2. Can you coordinate with whoever was present at this meeting to complete the attached template for documenting EPA meetings with Pebble?

Thanks, Palmer

From: Skadowski, Suzanne

Sent: Friday, August 17, 2018 1:26 PM

To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Herbst, John <herbst.john@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; McGrath, Patricia <mograth.patricia@epa.gov>; Murphy, Stacy <Murphy.Stacy@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Stern, Allyn <Stern.Alyn@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Owens, Kim <Owens.Kim@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>

Subject: FYI ONLY: EPA drafting rule to curb its veto power

EPA drafting rule to curb its veto power — sources

E&E News | August 17, 2018

EPA is working on a regulation to limit the agency's ability to nix water pollution permits.

Agency sources told E&E News the regulation will follow limits outlined in a June memo from former EPA Administrator Scott Pruitt.

Under the Clean Water Act, the Army Corps of Engineers is the permitting agency for dredging and filling in waterways and wetlands, but Section 404(c) of the law grants EPA the ability to restrict or veto permits.

Until Pruitt, EPA policy did not explicitly prevent the agency from moving forward with vetoes before, during or after the permitting process.

The memo forbids EPA from acting before applications are filed with the Army Corps or after a permit is issued (Greenwire, June 27).

Pruitt's action came after years of conservative outrage over the Obama administration's two uses of the veto authority. In the case of the Spruce coal mine in West Virginia, the veto was issued years after the corps' permit was issued. In the case of the Pebble Mine in Alaska, action preceded a mining proposal.

Pruitt's memo earned its own outcry from environmental groups and Democrats.

Following his departure from the agency, Senate Environment and Public Works ranking member Tom Carper (D-Del.) and House Transportation and Infrastructure Committee ranking member Peter DeFazio (D-Ore.) wrote a letter to acting EPA Administrator Andrew Wheeler urging him to rescind the document.

The pair said the memo is "in opposition to the will of Congress" and that Section 404(c) of the Clean Water Act "provides EPA with clear authority" to veto a project whenever the agency

determines it would have an unacceptable adverse effect on aquatic resources ([E&E Daily](#), July 20).

EPA sources, who spoke with E&E News on the condition of anonymity, say the agency is planning to submit a proposed rule nixing pre-emptive and retroactive vetoes to the White House for review by the end of December.

Agency officials did not respond to a request for official comment.

Action against Spruce sparked debate, years of litigation and congressional efforts against retroactive vetoes. Ultimately, the U.S. Court of Appeals for the District of Columbia Circuit ruled they were legal under a strict reading of the law.

The debate over pre-emptive vetoes intensified in 2014, when the Obama EPA, relying on a watershed assessment, proposed restrictions to protect Alaska's Bristol Bay from mining. The proposal was made before the company behind the Pebble mine had formally submitted a permit application.

The Trump administration lifted that proposal long enough for Pebble LP to submit its permit application to the Army Corps, but has not completely withdrawn the watershed assessment. That move infuriated Pruitt's conservative allies, who are now taking their case to Wheeler ([Greenwire](#), July 31).

Pebble opponents have called on the acting chief to recuse himself because his former lobbying firm set up the meeting between Pruitt and the mining company just before Pruitt ordered his staff to start the process of tossing the 2014 restrictions — a move he would later abandon. EPA said Wheeler would not be recusing himself from matters involving Pebble.

On Aug. 2, Pebble leaders met with EPA's second in command, Henry Darwin, at agency headquarters in Washington, D.C., according to Darwin's online calendar.

Pebble CEO Tom Collier declined to comment on the meeting, but said a potential rulemaking was not discussed.

"From where I sit," he said, "I think that getting rid of retroactive and pre-emptive vetoes is a smart thing to do, and I hope they follow through with a rulemaking."

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: [206-553-2160](tel:206-553-2160) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! [@EPAnorthwest](https://twitter.com/EPAnorthwest)
Like us on Facebook! [@eparegion10](https://www.facebook.com/eparegion10)

<Template for notes on Pebble-related meetings.docx>

To: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 8/20/2018 7:59:09 PM (UTC)
Subject: Bristol Bay 404(c) Team Meeting - 8/21/18

Hello BB 404(c) Team,

We will not have a 404(c) call on 8/21/18.

Below are updates for awareness. Let me know if you have new information on these updates, or, if you have suggestions for additional items this team should be tracking.

Updates

Erik is considering trying to change the day of our BB 404(c) Team meeting so that it is more immediately before and therefore more potentially useful preparation for the BB check-in with R10 management, Allnutt returns the week of September 10th

Plan is to continue to have at least on 404(c) team meeting per month. My suggestion for August is that we meet on August 28th.

BB Check-in with Linda Anderson-Carnahan canceled for 8/28 because she is on leave.

BB Check-in with Linda on 8/14 was good.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Pebble meeting with Henry Darwin happened on August 2nd. Palmer has requested external meeting form be filled out. Thank you Palmer.

FOIA

Ex. 5 Deliberative Process (DP)

De fazio and Carter Letter

- Comments from R10 ORC and OGC received. OWOW management received 8/9. Deadline for OWOW to send to OW 8/14. Awaiting update on this letter's progress.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 7/30/2018 7:31:44 PM (UTC)
Subject: Bristol Bay 404(c) Team Meeting - 7/31/18

Hello BB 404(c) Team,

The 404(c) team call will happen tomorrow, 7/31 at 1 pm PST and 4 pm EST. Looking forward to an opportunity to check-in with everyone who can make the call.

Agenda

FOIA

De fazio CMS

BB briefing for AOO Director

BB briefing for Henry Darwin

Western Caucus Response

Ex. 5 Deliberative Process (DP)

Messages for Linda Anderson-Carnahan for BB check-in on August 1st?



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Frazer, Brian[Frazer.Brian@epa.gov]
Cc: Bennett, Brittany[bennett.brittany@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Wed 6/27/2018 3:14:31 PM (UTC)
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response
Western Caucus Response DRAFT 6.22.18_DF.docx

David provided me a paper version with his edits. I have made the changes in the attached document.

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Frazer, Brian
Sent: Friday, June 22, 2018 3:04 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi Heidi,

Attached, find the final draft Bristol Bay, Gosar/Congressional Western Caucus response letter for David F's review. We have uploaded the letter to CMS, however, it will be on hold until Lee and David's review.

Let us know if there's any questions or concerns.

Thanks.

bf

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Wednesday, June 06, 2018 2:14 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz,

Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

To: Hough, Palmer[Hough.Palmer@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Thur 5/3/2018 4:20:07 PM (UTC)
Subject: Draft Response to PLP Letters
[Response to April 2018 Letters.docx](#)

Hi –

Per David’s and Carrie’s request, attached a draft summary response to PLP’s 4/24 and 4/25 letters. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Have at it!

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Bennett, Brittany[bennett.brittany@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Frazer, Brian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=572986D047624669891DA90708433DA1-BRIAN FRAZER]
Sent: Thur 6/28/2018 12:57:56 AM (UTC)
Subject: Re: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Heidi - [Ex. 5 Deliberative Process (DP)] We incorporate the edits you sent earlier today.
Currently, OW management is reviewing of the response letter.
bf

Brian Frazer, Acting Director
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
US Environmental Protection Agency
202-566-1652

Sent from my iPhone

On Jun 27, 2018, at 8:34 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Brian- David Fotouhi asked if OW is planning to [Ex. 5 Deliberative Process (DP)]
[Ex. 5 Deliberative Process (DP)] I wanted to check in with you before responding.

Sent from my iPhone

On Jun 27, 2018, at 11:21 AM, Frazer, Brian <Frazer.Brian@epa.gov> wrote:

Thanks, Heidi.

bf

From: Nalven, Heidi
Sent: Wednesday, June 27, 2018 11:15 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

David provided me a paper version with his edits. I have made the changes in the attached document.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Frazer, Brian
Sent: Friday, June 22, 2018 3:04 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi Heidi,

Attached, find the final draft Bristol Bay, Gosar/Congressional Western Caucus response letter for David F's review. We have uploaded the letter to CMS, however, it will be on hold until Lee and David's review.

Let us know if there's any questions or concerns.

Thanks.

bf

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Wednesday, June 06, 2018 2:14 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it's in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

To: Bennett, Brittany[bennett.brittany@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]
Cc: Hough, Palmer[Hough.Palmer@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Mon 6/11/2018 2:54:49 PM (UTC)
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Brittany – sorry for not responding sooner. No edits from me. Looks good.



R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

From: Bennett, Brittany
Sent: Monday, June 11, 2018 6:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Wednesday, June 06, 2018 2:14 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

To: Allnutt, David[Allnutt.David@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Schofield, Kate[Schofield.Kate@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 11/27/2018 2:12:26 PM (UTC)
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

David – I have not heard anything else regarding this effort since the initial flurry of emails. I will ask around and let you know if I hear anything.

From: Allnutt, David
Sent: Monday, November 26, 2018 8:27 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Palmer – has the scoping team for this been convened yet? Agree that R10 should be one of the “information owners.” The person I assign to this may vary depending on how the response is scoped.

Ex. 5 Deliberative Process (DP)



R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

From: Hough, Palmer
Sent: Thursday, November 15, 2018 9:45 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi

Thanks for sharing this is helpful. Since the BBWA was a joint effort among ORD, R10 and OW, it sounds like the “information owners” to be included on the scoping team needs to include reps from ORD, R10 and OW correct?

-Palmer

From: Nalven, Heidi
Sent: Thursday, November 15, 2018 12:40 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Hough, Palmer

<Hough.Palmer@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

FYI.

From: Sheppard, Tracy

Sent: Thursday, November 15, 2018 12:10 PM

To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Simons, Andrew <Simons.Andrew@epa.gov>

Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Carrie,

Ex. 5 Deliberative Process (DP)

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP) mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Wehling, Carrie

Sent: Thursday, November 15, 2018 11:58 AM

To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Simons, Andrew <Simons.Andrew@epa.gov>

Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Thanks, Tracy. I have not seen many of these. Can you summarize the process for me? Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Sheppard, Tracy

Sent: Thursday, November 15, 2018 11:50 AM

To: Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi,

Thanks for the heads up. I will make sure that you are including on the scoping team for the this RFC.

Tracy L. Sheppard, Attorney-Advisor,

US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP) mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Nalven, Heidi

Sent: Thursday, November 15, 2018 11:47 AM

To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Hi Tracy – I just wanted to provide you a heads up on the attached IQA petition. I am sure we will be following up with questions.

Thanks,

Heidi

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Hough, Palmer

Sent: Thursday, November 15, 2018 9:06 AM

To: Allnutt, David <Allnutt.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Folks:

Yesterday, the Competitive Enterprise Institute submitted a request for EPA to “either substantially correct or withdraw its 2014 Bristol Bay Watershed Assessment (BBWA) and the proposed determination based upon it.” Their letter states that “[t]he BBWA fails the applicable standards of information quality” and that “[i]ts ongoing dissemination and use to effectively block the Pebble Mine project in Alaska is therefore in violation of the law.”

I’m not sure what the next steps are but wanted folks to be aware.

-Palmer

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Mon 12/3/2018 10:52:13 PM (UTC)
Subject: RE: FOR MATT"S WEEKEND NOTEBOOK: **Ex. 5 Deliberative Process (DP)**

Yes I saw it and flagged it for OWOW and OW

From: Nalven, Heidi
Sent: Monday, December 03, 2018 4:16 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: FW: FOR MATT"S WEEKEND NOTEBOOK **Ex. 5 Deliberative Process (DP)**

FYI –

Ex. 5 Deliberative Process (DP)

From: Peterson, Erik
Sent: Monday, December 3, 2018 12:00 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Brown, DonaldM <Brown.DonaldM@epa.gov>
Subject: FW: FOR MATT"S WEEKEND NOTEBOOK: **Ex. 5 Deliberative Process (DP)**

There is a reference to a Dec. 4 meeting on this RFC. Do any of you know more details about that meeting?



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Allnutt, David
Sent: Monday, December 3, 2018 11:56 AM
To: Brown, DonaldM <Brown.DonaldM@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: FW: FOR MATT"S WEEKEND NOTEBOOK: **Ex. 5 Deliberative Process (DP)**

FYI – just noticed that you two had not been copied.



R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

From: Stern, Allyn

Sent: Thursday, November 29, 2018 1:04 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>

Subject: Fwd: FOR MATT'S WEEKEND NOTEBOOK: **Ex. 5 Deliberative Process (DP)**

Allyn Stern

Regional Counsel

US EPA Region 10

206-553-1223

stern.allyn@epa.gov

Begin forwarded message:

From: "Siciliano, CarolAnn" <Siciliano.CarolAnn@epa.gov>

Date: November 29, 2018 at 12:49:40 PM PST

To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>

Cc: "Fotouhi, David" <Fotouhi.David@epa.gov>, "Simons, Andrew" <Simons.Andrew@epa.gov>, "Sheppard, Tracy" <Sheppard.Tracy@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>

Subject: FOR MATT'S WEEKEND NOTEBOOK: **Ex. 5 Deliberative Process (DP)**

Matt

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 12/11/2018 6:18:33 PM (UTC)
Subject: FW: R10 Pebble Briefing for Chris H and Lee F on 12/12 at 4 PM ET
BB Presentation Hladick and Forsgren Dec.2018_pfh.pptx

FYI

From: Hough, Palmer
Sent: Monday, December 10, 2018 1:03 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: R10 Pebble Briefing for Chris H and Lee F on 12/12 at noon ET

Brian/Russ

Are you aware of this Pebble briefing for Chris and Lee on 12/12 at 4 PM ET? Based on email traffic I have seen, Lee plans to participate. I'm working with R10 on the briefing materials. Attached is the latest draft of the powerpoint. The purpose of the briefing is two-fold: 1) Review status of 404(c) action and 2) Update on NEPA process.

Please let me know if you have questions.

It would probably be a good idea for us to be in the same room with Lee for this call.

Thoughts?

-Palmer

-----Original Appointment-----

From: Fraser, Michelle **On Behalf Of** Hladick, Christopher
Sent: Monday, December 10, 2018 12:50 PM
To: Allnutt, David; Pirzadeh, Michelle; McGrath, Patricia; Palomaki, Ashley; Peterson, Erik; Stern, Allyn; Steiner-Riley, Cara; Hough, Palmer; Forsgren, Lee
Subject: Pebble Options/ Conf Line Ex. 6 Personal Privacy (PP)
When: Wednesday, December 12, 2018 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted

POC David Allnutt

Patty McGrath
Palmer Hough (HQ-OW – by phone)
Ashley Palomaki
Erik Peterson
Allyn Stern
Cara Steiner-Riley
Michelle P.

To: Allnutt, David[Allnutt.David@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Herbst, John[herbst.john@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Wed 11/28/2018 4:45:36 PM (UTC)
Subject: FYI - New CMS from BBNC and Signed CMS to DeFazio
[AL-18-000-9391 DeFazio final signed response.pdf](#)
[AL-18-000-9391. Draft DeFazio Response revised 9.11.18.docx](#)
[Bristol Bay Watershed Assessment.pdf](#)

Folks

Attached is the final DeFazio response dated 11/20 – it closely mirrors the recent CMS responses on Western Caucus (Gosar) and Smith. It was trimmed back from what we sent forward on 9/11 (attached is our 9/11 revised draft in case you want to compare).

Also attached is a new CMS from BBNC asking Lee if anything at EPA has changed since they last met with him in September and Lee indicated that EPA continues to stand by its decision not to withdrawn the PD. It appears this new BBNC request was prompted by the CEI's RfC.

Brittany is taking the lead on drafting the BBNC response and we will circulate a draft to the team before we push anything up the chain.

-Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

To: Goodin, John[Goodin.John@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov];
Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Wed 12/12/2018 1:06:44 AM (UTC)
Subject: Fwd: Briefing Slides for Hladick and Forsgren 12/12/18 Pebble Options Meeting
BB Presentation Hladick and Forsgren Dec.2018.pptx
ATT00001.htm

FYI - attached are the slides for tomorrow's briefing. R10 asked me to handle the 404c related slides at the end.

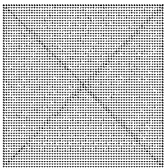
Sent from my iPhone

Begin forwarded message:

From: "Peterson, Erik" <Peterson.Erik@epa.gov>
To: "R10-ORA" <R10-ORA@epa.gov>
Cc: "Allnutt, David" <Allnutt.David@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Steiner-Riley, Cara" <Steiner-Riley.Cara@epa.gov>, "Hough, Palmer" <Hough.Palmer@epa.gov>
Subject: Briefing Slides for Hladick and Forsgren 12/12/18 Pebble Options Meeting

Hello Pam and Office of the Regional Administrator,

The briefing slides for the 1pm PST 12/12/18 Hladick and Lee Forsgren Pebble Options meeting are attached. Please share with Chris and Lee as appropriate.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Thur 11/15/2018 5:09:47 PM (UTC)
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

thx

From: Nalven, Heidi
Sent: Thursday, November 15, 2018 12:09 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

No. I don't have any experience with this but Carrie just asked Tracy. Will forward her response.

From: Hough, Palmer
Sent: Thursday, November 15, 2018 12:08 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Do you know what next steps are on something like this?

From: Nalven, Heidi
Sent: Thursday, November 15, 2018 11:51 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

FYI.

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 11:50 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi,
Thanks for the heads up. I will make sure that you are including on the scoping team for the this RFC.

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP)

 mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Nalven, Heidi
Sent: Thursday, November 15, 2018 11:47 AM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Hi Tracy – I just wanted to provide you a heads up on the attached IQA petition. I am sure we will be following up with questions.

Thanks,
Heidi

Heidi Nalven

From: Hough, Palmer

Sent: Thursday, November 15, 2018 9:06 AM

To: Allnutt, David <Allnutt.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Folks:

Yesterday, the Competitive Enterprise Institute submitted a request for EPA to “either substantially correct or withdraw its 2014 Bristol Bay Watershed Assessment (BBWA) and the proposed determination based upon it.” Their letter states that “[t]he BBWA fails the applicable standards of information quality” and that “[i]ts ongoing dissemination and use to effectively block the Pebble Mine project in Alaska is therefore in violation of the law.”

I’m not sure what the next steps are but wanted folks to be aware.

-Palmer

From: Goodin, John

Sent: Thursday, November 15, 2018 8:49 AM

To: Frazer, Brian <Frazer.Brian@epa.gov>

Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Smith, Bernice <Smith.Bernice@epa.gov>

Subject: Fwd: IQA Petition - Bristol Bay Watershed Assessment

Brian— let me know your recommendation for POC. Trust you'll coordinate with the Region and OGC as well. I'd like to send a brief heads up to Lee before Monday too.

Thanks!

John

Sent from my iPhone

Begin forwarded message:

From: "Bahadori, Tina" <Bahadori.Tina@epa.gov>

Date: November 15, 2018 at 8:32:30 AM EST

To: "Goodin, John" <Goodin.John@epa.gov>, "Elleman, Robert" <Elleman.Robert@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Good Morning,

Sharing this for your awareness – I am sure it will eventually work its way through the system.

Thanks,

Tina

From: Kirby, Kevin **On Behalf Of** Quality

Sent: Wednesday, November 14, 2018 5:09 PM

To: Watkins, Stephen <watkins.stephen@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>

Cc: Bahadori, Tina <Bahadori.Tina@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Greetings from IQG Central!

We just had a new Request for Correction submitted today (see below) concerning the Bristol Bay Watershed

Assessment. As the primary POCs for your organizations, I am hopeful that you can help me identify the Subject Matter experts for this request. Please let me know who you would like me to include in the Scoping Meeting by next week, Nov. 21.

The NPS and Watershed focus suggest OW as the Information Owners.

Participants in the FR Notice reveal an NCEA colleague (past Director) at the table during the peer review assessment. Useful links for this RFC petition:

- EPA's website on Bristol Bay: <https://www.epa.gov/bristolbay>
- Federal Register Notice of external peer review meeting:
<https://www.federalregister.gov/documents/2012/07/06/2012-16441/notice-of-the-peer-review-meeting-for-epas-draft-report-entitled-an-assessment-of-potential-mining>

Thanks!

Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Ben Lieberman [<mailto:Ben.Lieberman@cei.org>]

Sent: Wednesday, November 14, 2018 11:54 AM

To: Quality <Quality@epa.gov>

Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Subject: IQA Petition - Bristol Bay Watershed Assessment

Enclosed is an Information Quality Act Request for Correction regarding the Bristol Bay Watershed Assessment. Do not hesitate to contact me if you need any additional information.

Ben Lieberman
Senior Fellow
Competitive Enterprise Institute
(202) 331-2270

To: Peterson, Erik[Peterson.Erik@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Mon 8/13/2018 7:50:23 PM (UTC)
Subject: Fwd: Draft response to 7-19-18 DeFazio/Carper control on 404c Rulemaking and Pebble (CMS 18-000-9391)
[Draft DeFazio Response 8.9.18.docx](#)
[ATT00001.htm](#)
[18-000-9391_DeFazio-Carper_July_2018.pdf](#)
[ATT00002.htm](#)

FYI here is what we sent forward to OWOW

Sent from my iPhone

Begin forwarded message:

From: "Hough, Palmer" <Hough.Palmer@epa.gov>
Date: August 9, 2018 at 7:09:49 PM EDT
To: "Kaiser, Russell" <Kaiser.Russell@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>, "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Cc: "Bennett, Brittany" <bennett.brittany@epa.gov>
Subject: Draft response to 7-19-18 DeFazio/Carper control on 404c Rulemaking and Pebble (CMS 18-000-9391)

Russ/Brian/Mindy:

Attached is our draft response to the 7-19-18 DeFazio/Carper control that asks questions regarding both the 404c rulemaking and Pebble.

Ex. 5 Deliberative Process (DP)

The letter reflects input from OGC staff and R10 ORC staff.

Our due date on this is now 8/14. Let us know if you have any questions.

Thanks, Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

To: Peterson, Erik[Peterson.Erik@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Mon 8/13/2018 7:47:48 PM (UTC)
Subject: Re: Update for DeFazio Response?

Erik
We got comments from staff in R10 ORC and OGC and sent a revised draft to OWOW management last Thursday. OWOW's deadline is tomorrow to send a draft forward to OW.

Palmer

Sent from my iPhone

On Aug 13, 2018, at 3:38 PM, Peterson, Erik <Peterson.Erik@epa.gov> wrote:

Hello,

I would greatly appreciate hearing where this DeFazio response is in the process.

Anything you know or can share will be helpful for the Bristol Bay check-in with Linda Anderson Carnahan at 9 am PST tomorrow.

Thank you!

<image001.jpg>

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Hough, Palmer [mailto:no-reply@sharepointonline.com]

Sent: Tuesday, August 07, 2018 5:12 PM

To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Hough, Palmer <Hough.Palmer@epa.gov>

Subject: Hough, Palmer has shared 'Draft DeFazio Response 8.7.18'

Folks

Attached is our draft response to the 7-19-18 control from DeFazio and Carper which deals with both the 404c rulemaking and Pebble.

Please provide edits by NLT noon Thursday 8/9 so we can turn around a draft for management review by COB 8/9.

Thanks, Palmer

Open Draft DeFazio Response 8.7.18.docx

See more related to Hough, Palmer in Delve.

<image006.png>

Get the SharePoint mobile app!

<image007.png>

<image008.png>

<image009.png>

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Thur 11/15/2018 4:56:58 PM (UTC)
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

FYI – ORD has tapped Kate and Glenn as well, see below

From: Schofield, Kate
Sent: Thursday, November 15, 2018 9:19 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Ex. 5 Deliberative Process (DP)

Kate Schofield, Ph.D. | Ecologist | schofield.kate@epa.gov | 202.564.2640
National Center for Environmental Assessment | US Environmental Protection Agency
Postal address: USEPA | 1200 Pennsylvania Ave, NW (8623R) | Washington DC 20460

From: Hough, Palmer
Sent: Thursday, November 15, 2018 9:14 AM
To: Schofield, Kate <Schofield.Kate@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Ex. 5 Deliberative Process (DP)

From: Schofield, Kate
Sent: Thursday, November 15, 2018 9:11 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Just got this this morning from my center director as well – she’s put Glenn and I as the subject leads, so will be interesting to see next steps.

Kate Schofield, Ph.D. | Ecologist | schofield.kate@epa.gov | 202.564.2640
National Center for Environmental Assessment | US Environmental Protection Agency
Postal address: USEPA | 1200 Pennsylvania Ave, NW (8623R) | Washington DC 20460

From: Hough, Palmer
Sent: Thursday, November 15, 2018 9:06 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Folks:

Yesterday, the Competitive Enterprise Institute submitted a request for EPA to “either substantially correct or withdraw its 2014 Bristol Bay Watershed Assessment (BBWA) and the proposed determination based upon it.” Their letter states that “[t]he BBWA fails the applicable standards of information quality” and that “[i]ts ongoing dissemination and use to effectively block the Pebble Mine project in Alaska is therefore in violation of the law.”

I'm not sure what the next steps are but wanted folks to be aware.

-Palmer

From: Goodin, John
Sent: Thursday, November 15, 2018 8:49 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Smith, Bernicel <Smith.Bernicel@epa.gov>
Subject: Fwd: IQA Petition - Bristol Bay Watershed Assessment

Brian— let me know your recommendation for POC. Trust you'll coordinate with the Region and OGC as well. I'd like to send a brief heads up to Lee before Monday too.

Thanks!

John

Sent from my iPhone

Begin forwarded message:

From: "Bahadori, Tina" <Bahadori.Tina@epa.gov>
Date: November 15, 2018 at 8:32:30 AM EST
To: "Goodin, John" <Goodin.John@epa.gov>, "Elleman, Robert" <Elleman.Robert@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Good Morning,

Sharing this for your awareness – I am sure it will eventually work its way through the system.

Thanks,

Tina

From: Kirby, Kevin **On Behalf Of** Quality
Sent: Wednesday, November 14, 2018 5:09 PM
To: Watkins, Stephen <watkins.stephen@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>
Cc: Bahadori, Tina <Bahadori.Tina@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Greetings from IQG Central!

We just had a new Request for Correction submitted today (see below) concerning the Bristol Bay Watershed Assessment. As the primary POCs for your organizations, I am hopeful that you can help me identify the Subject Matter experts for this request. Please let me know who you would like me to include in the Scoping Meeting by next week, Nov. 21.

The NPS and Watershed focus suggest OW as the Information Owners.

Participants in the FR Notice reveal an NCEA colleague (past Director) at the table during the peer review assessment.

Useful links for this RFC petition:

- EPA's website on Bristol Bay: <https://www.epa.gov/bristolbay>
- Federal Register Notice of external peer review meeting:
<https://www.federalregister.gov/documents/2012/07/06/2012-16441/notice-of-the-peer-review-meeting-for-epas-draft-report-entitled-an-assessment-of-potential-mining>

Thanks!

Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

From: Ben Lieberman [<mailto:Ben.Lieberman@cei.org>]
Sent: Wednesday, November 14, 2018 11:54 AM
To: Quality <Quality@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: IQA Petition - Bristol Bay Watershed Assessment

Enclosed is an Information Quality Act Request for Correction regarding the Bristol Bay Watershed Assessment. Do not hesitate to contact me if you need any additional information.

Ben Lieberman
Senior Fellow
Competitive Enterprise Institute
(202) 331-2270

To: Hough, Palmer[Hough.Palmer@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Wed 8/8/2018 12:14:37 AM (UTC)
Subject: RE: Hough, Palmer has shared 'Draft DeFazio Response 8.7.18'
[18-000-9391_DeFazio-Carper_July 2018.pdf](#)

Attached is the incoming from DeFazio and Carper in case you don't have it handy

From: Hough, Palmer [mailto:no-reply@sharepointonline.com]
Sent: Tuesday, August 07, 2018 8:12 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Hough, Palmer has shared 'Draft DeFazio Response 8.7.18'

Folks

Attached is our draft response to the 7-19-18 control from DeFazio and Carper which deals with both the 404c rulemaking and Pebble.

Please provide edits by NLT noon Thursday 8/9 so we can turn around a draft for management review by COB 8/9.

Thanks, Palmer

Open Draft DeFazio Response 8.7.18.docx

See more related to Hough, Palmer in Delve.

 Get the SharePoint mobile app!



Appointment

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 12/11/2018 9:20:46 PM
To: Nalven, Heidi [Nalven.Heidi@epa.gov]
Subject: FW: Pebble Options/ **Ex. 6 Personal Privacy (PP)**
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted
Start: 12/12/2018 9:00:00 PM
End: 12/12/2018 10:00:00 PM
Show Time As: Tentative

-----Original Appointment-----

From: Fraser, Michelle **On Behalf Of** Hladick, Christopher
Sent: Monday, December 10, 2018 12:50 PM
To: Hladick, Christopher; Allnutt, David; Pirzadeh, Michelle; McGrath, Patricia; Palomaki, Ashley; Peterson, Erik; Stern, Allyn; Steiner-Riley, Cara; Hough, Palmer; Forsgren, Lee
Subject: Pebble Options/ **Ex. 6 Personal Privacy (PP)**
When: Wednesday, December 12, 2018 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted

POC David Allnutt

Patty McGrath
Palmer Hough (HQ-OW – by phone)
Ashley Palomaki
Erik Peterson
Allyn Stern
Cara Steiner-Riley
Michelle P.

To: Frazer, Brian[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 7/17/2018 3:19:46 PM (UTC)
Subject: What we have told the press regarding how the 404c Memo would/could affect our approach to Pebble and our PD

Brian/Russ

Back on 6/27 we were asked by the press what affect the new 404(c) memo directing the rulemaking would/could have on our approach to the Pebble 404(c) action and the 2014 PD.

After much deliberation this is the response that OPA released:

“The purpose of the memo issued today is to refocus the agency on its core mission—protecting public health and the environment by exercising its authority under Clean Water Act section 404(c) in a way that is careful, predictable, and prudent. The memo directs the Office of Water to develop a proposed regulation that would amend EPA’s existing regulation implementing 404(c). It is premature to say how any changes to the existing regulation would impact current or existing actions.”

Ex. 5 Deliberative Process (DP)

-Palmer

From: Holsman, Marianne
Sent: Wednesday, June 27, 2018 6:35 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: FW: 404c Memo

FYI...response to Anchorage Daily News query today.

Marianne

Follow us!



From: Block, Molly
Sent: Wednesday, June 27, 2018 3:26 PM
To: alex@adn.com
Cc: Press <Press@epa.gov>; regionalpress <regionalpress@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: 404c Memo

Alex –

The following can be attributed to an EPA spokesperson:

The purpose of the memo issued today is to refocus the agency on its core mission—protecting public health and the environment by exercising its authority under Clean Water Act section 404(c) in a way that is careful, predictable, and prudent. The memo directs the Office of Water to develop a proposed regulation that would amend EPA’s existing regulation implementing 404(c). It is premature to say how any changes to the existing regulation would impact current or existing actions.

Background

The Corps is reviewing the Pebble Limited Partnership’s 404 permit application, and EPA intends to participate in the NEPA process. Earlier this year, EPA suspended its proposed withdrawal of the “proposed determination.” EPA previously committed not to send a “recommended determination” from EPA Region 10 to EPA Headquarters until after a final Environmental Impact Statement has been completed by the Corps, so long as that EIS is completed by May 2021.

Please let us know if you have any other questions. Thanks!

Molly

Molly Block

Press Secretary

U.S. Environmental Protection Agency

To: Peterson, Erik[Peterson.Erik@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 7/10/2018 12:47:53 PM (UTC)
Subject: RE: QFR Cal 028-032

Thanks for sharing

From: Peterson, Erik
Sent: Monday, July 09, 2018 8:34 PM
To: Bennett, Brittany <bennett.brittany@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: QFR Cal 028-032

FYI...

Attached is the apparently final version of the response to Representative Calvert.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Spraul, Greg
Sent: Thursday, July 05, 2018 11:52 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: HEC and HAC QFR responses

Erik,

OCFO sent us what they said is the final.

From: Peterson, Erik
Sent: Monday, July 02, 2018 1:44 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: HEC and HAC QFR responses

Greg,

Any update on the HEC and HAC QFR responses?

Are they with OMB currently?

Thank you for any info. you may have.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

Sent: Monday, June 25, 2018 2:12 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: Re: HEC and HAC QFR responses

No update. The next step is OMB clearance
On Jun 25, 2018, at 4:11 PM, Peterson, Erik <Peterson.Erik@epa.gov> wrote:

Hello Greg,

I'm open to contacting Brian Frazer or Russel Kaiser as you suggest.

Writing you first because we have already talked (thank you for helping me out).

Do you have any updates on the HEC and HAC QFR responses that you shared drafts of with me on 6/11?

I would like to update the Bristol Bay 404(c) Team, which includes members of OW, OGC, and several Region 10 offices.

<image001.jpg>

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Spraul, Greg
Sent: Monday, June 11, 2018 11:28 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: HEC and HAC QFR responses

Erik,

These are internal to EPA only.

Per your request. Attached is the latest. These are not final.

If you have any questions, please contact Brian Frazer and/or Russ Kaiser.

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Shoemake, Neverley[shoemake.neverley@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 2/20/2018 6:48:17 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Weekly Call
Pebble-Bristol Bay 404(c) Options for additional public comment 2-19-18 ACP pfh.docx

Folks:

Ashley and I have attempted to integrate the comments we received on the revised draft options paper, see attached mark-up. We got comments from David A, Allyn S, Michael S, and Patty M.

If everyone is ok with these edits, after the call we can circulate a revised draft for management to review a second time. We did not get any comments from OWOW or OGC management on the last draft so we will press them harder on the next draft for comments.

Also, who is leading today’s call in Erik’s absence?

-Palmer

-----Original Appointment-----

From: Peterson, Erik
Sent: Friday, January 12, 2018 8:46 PM
To: Peterson, Erik; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Palomaki, Ashley; Bennett, Brittany; Ortiz, Michael; Skadowski, Suzanne; Lindsay, Andrea; Whitley, Annie; Shoemake, Neverley; Hough, Palmer; Herbst, John
Subject: Bristol Bay 404(c) Team Weekly Call
When: Tuesday, February 20, 2018 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-20Cedar/R10-Rooms-Service-Center;

Agenda (suggestions welcome) – Erik is out February 20th.

FOIA - Ashley

Draft Options Paper - Palmer (suggestions below for topics to discuss, but go through this however you all feel is most helpful)

- Review management feedback
- How to address feedback, who will make edits? Process for finalizing prior to February 27th.
- Discuss how to approach pre-briefing for David Allnutt on February 28th. We plan to use 30 minutes or less of the joint 404(c)/permitting meeting with Allnutt on February 28th to prepare him for the March 6th Chris H., Lee F. and David F. briefing.

Ex. 5 Deliberative Process (DP)

404(c) funding discussion

- Michael Szerlog has requested an estimate of 404(c) related funding needs for FY 19 by February 28th. He has provided the following categories. Please have an initial brainstorm on possible funding needs. We can finalize our estimate on 2/27.

- Initial thoughts include:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

→ Join by Phone

Toll number: Ex. 6 Personal Privacy (PP)

Conference ID: Ex. 6 Personal Privacy (PP)

→ Meeting Organizer

Erik Peterson, USEPA (206) 553-6382 office

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Shoemake, Neverley[shoemake.neverley@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 2/27/2018 8:42:56 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Weekly Call
Pebble-Bristol Bay 404(c) Options for additional public comment 2-20-18 markup.docx

Here is the mark-up as of 12:45 PM ET today.

-----Original Appointment-----

From: Peterson, Erik
Sent: Friday, January 12, 2018 8:46 PM
To: Peterson, Erik; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Palomaki, Ashley; Bennett, Brittany; Ortiz, Michael; Skadowski, Suzanne; Lindsay, Andrea; Whitley, Annie; Shoemake, Neverley; Hough, Palmer; Herbst, John
Subject: Bristol Bay 404(c) Team Weekly Call
When: Tuesday, February 27, 2018 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-20Cedar/R10-Rooms-Service-Center;

FOIA - Ashley

Options Paper and Briefing Preparation

- Briefing paper update. What input is still needed? – Palmer
- Confirmation that this group is comfortable with the briefing paper. – Erik
- Briefing paper submittal by March 2nd. Everyone comfortable with this? Who will submit to whom and how? – Erik
- Discuss Feb. 28th pre-briefing for David Allnutt
 - We plan to use 30 minutes of the joint 404(c)/permitting meeting with Allnutt on February 28th to prepare him for the March 6th Chris H., Lee F. and David F. briefing.
 - Suggestions and considerations to communicate to Allnutt on Feb. 28th
 - Propose **Ex. 5 Deliberative Process (DP)** comments on this approach, alternatives?
 - Suggest Allnutt refer to **Ex. 5 Deliberative Process (DP)**

• **Ex. 5 Deliberative Process (DP)**

→ **Join by Phone**

Toll number: **Ex. 6 Personal Privacy (PP)**
Conference ID: **Ex. 6 Personal Privacy (PP)**

→ **Meeting Organizer**

Erik Peterson, USEPA (206) 553-6382 office

To: Konkus, John[konkus.john@epa.gov]
Cc: Schiermeyer, Corry[schiermeyer.corry@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: jackson.ryan@epa.gov[jackson.ryan@epa.gov]
Sent: Wed 6/26/2019 5:08:05 PM (UTC)
Subject: Re: Final Draft: EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

Thanks very much.

Sent from my iPad

On Jun 26, 2019, at 12:04 PM, Konkus, John <konkus.john@epa.gov> wrote:

This has been approved by Matt. Once we have the link, we will send it. We expect that around 1:30pm.




<image001.png>

EPA General Counsel Leopold Signs Memo on Pebble Deposit Area

WASHINGTON - U.S. Environmental Protection (EPA) Agency General Counsel Matthew Z. Leopold today signed a memo directing Chris Hladick, EPA Region 10 Administrator to resume consideration of the withdrawal of the July 2014 Proposed Determination, which proposes to restrict use of the Pebble Deposit Area as a disposal site.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents. We will reconsider whether the Proposed Determination that was issued preemptively in 2014 is still appropriate in light of the permit application and a 1,400-page draft Environmental Impact Statement, which is a large volume of information that EPA did not have previously," said **General Counsel Matt Leopold**. "At the same time, we are going to invoke the well-understood Clean Water Act 404 elevation procedures to align the EPA with the Army Corps process to ensure all potential significant impacts to the environment are thoroughly vetted and raised before any final decision on the permit can be reached in the future."

The signed memo can be found here: <LINK>



<image002.png> <image003.png> <image004.png> <image005.png>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

<image006.png> Like

<image007.png> Tweet

<image008.png> Share

<image009.png> Forward

[Unsubscribe](#)

To: Jackson, Ryan[jackson.ryan@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Brazauskas, Joseph[brazauskas.joseph@epa.gov]; frye.tony@epa.gov[frye.tony@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Tue 6/25/2019 3:30:52 PM (UTC)
Subject: RE:

Yes, talked with Fotouhi and Leopold about it. They are editing our draft now.

-----Original Message-----

From: Jackson, Ryan
Sent: Tuesday, June 25, 2019 11:30 AM
To: Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; frye.tony@epa.gov
Subject:

Are you guys working Q&A and desk statement on pebble memo? I understand this is a Wednesday thing now.

Sent from my iPad

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Mon 6/24/2019 7:02:54 PM (UTC)
Subject: RE: Memo to R10

Sounds good. I'll look for your call. Ex. 6 Personal Privacy (PP)

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Jackson, Ryan
Sent: Monday, June 24, 2019 2:55 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: Re: Memo to R10

Will do. We will likely be late arriving in Mexico. Will call.

Sent from my iPad
On Jun 24, 2019, at 1:46 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Ryan,

Attached is the memo to R10 on Pebble that I am planning to finalize on Wednesday. Can you make time for a call to discuss?

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

<Suspension directive v2019-06-24.docx>

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Mon 6/24/2019 6:46:38 PM (UTC)
Subject: Memo to R10
[Suspension directive v2019-06-24.docx](#)

Ryan,

Attached is the memo to R10 on Pebble that I am planning to finalize on Wednesday. Can you make time for a call to discuss?

Thanks, Matt

Matthew Z. Leopold

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

To: Jackson, Ryan[jackson.ryan@epa.gov]; Michael[molina.michael@epa.gov] **Ex. 6 - Administrator** Molina,
Cc: Beach, Christopher[beach.christopher@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Konkus, John[konkus.john@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Tue 3/26/2019 1:25:11 PM (UTC)
Subject: Recusal Clips
Wheeler Recusal Articles 3.25.19.docx

All, please see articles below for news on the recusal letter.

Bloomberg: EPA Chief Recused From Bristol Bay Mine That His Former Law Firm Represented

EPA Administrator Andrew Wheeler is formally recusing himself from agency reviews and permitting decisions on a proposed gold and copper mine near Alaska's Bristol Bay amid criticism his former law firm represented the developer. Wheeler promised to steer clear of matters involving the controversial Pebble Mine in an updated March 20 recusal statement, two years after his former employer, Faegre Baker Daniels LLP, had arranged a meeting between former EPA chief Scott Pruitt and project developer Pebble LP.

Politico Pro: Wheeler recuses himself from Pebble Mine decisions

EPA Administrator Andrew Wheeler said he will not make any decisions on the controversial proposed Pebble Mine after determining his former firm's work for the developers posed the potential appearance of a conflict. "Although not necessarily required, I am recusing myself from matters related to the Pebble Mine, including any associated litigation, settlement agreement, and permitting, to avoid the appearance of any ethical concerns in the role of Administrator," Wheeler wrote in an update to his ethics agreement dated March 20. Without a confirmed deputy, any decisions related to Pebble Mine may now fall on the agency's general counsel, Matt Leopold. Speculation about Wheeler's plan to recuse himself from Pebble swirled for months.

The Associated Press: EPA administrator recuses himself from Pebble Mine decisions

The head of the U.S. Environmental Protection Agency says he is recusing himself from decisions related to the proposed Pebble Mine in southwest Alaska. Andrew Wheeler, in a memo, says his former employer provided services to a client related to the Pebble project. His memo doesn't provide details on that but Wheeler, a former lobbyist, says he wasn't personally involved. Still, he says he's voluntarily recusing himself from matters related to the project during his EPA tenure, including any associated litigation, settlement agreement and permitting. The Pebble Limited Partnership wants to develop a copper and gold mine in Alaska's Bristol Bay region. The U.S. Army Corps of Engineers is evaluating a permit application by the project, one of dozens of permits, approvals and authorizations Pebble says it will need.

The Hill: EPA chief recuses himself from mine review his ex-law firm repped: report

Environmental Protection Agency (EPA) Administrator Andrew Wheeler is reportedly recusing himself from agency reviews of a proposed mine whose developer his former law firm represented. In 2017, Wheeler's then-firm Faegre Baker Daniels arranged a meeting between then-EPA Administrator Scott Pruitt and Pebble LP, the developer of the proposed gold and copper mine near Alaska's Bristol Bay, according to Bloomberg. Soon after the meeting, Pruitt proposed withdrawing mining regulations that would have hindered the project in securing necessary Clean Water Act permits. Wheeler never provided services to a client on the mine, but said the recusal would be effective for the length of his tenure as EPA chief, reportedly delegating all issues involving the Pebble Mine to EPA general counsel Matthew Leopold.

Bloomberg Environment: EPA Chief Wheeler Recuses Himself From Pebble Mine Decision

EPA Administrator Andrew Wheeler has formally recused himself from the ongoing Pebble Mine permitting process, according to an agency letter dated March 20 and obtained by Bloomberg Environment. Wheeler's decision comes as a disappointment to backers of the planned gold, copper, and molybdenum deposit, who hoped he would intervene to lift Obama-era Clean Water Act restrictions on the Alaska mine's construction. The Environmental Protection Agency could still attempt to lift the restrictions. Wheeler has delegated Pebble issues to EPA General Counsel Matthew Z. Leopold. In his internal memo to EPA staff, Wheeler indicated that he formerly worked as a lobbyist for law firm Faegre Baker Daniels LLP, which has provided services to Pebble. Though Wheeler said he "did not personally provide any such services" to Pebble, he nevertheless included the mine as an "additional voluntary recusal" to avoid the appearance of ethical concerns. Wheeler also stressed that he has no financial conflicts of interest.

Bloomberg

EPA Chief Recused From Bristol Bay Mine That His Former Law Firm Represented

Jennifer Dlouhy and Stephen Lee, 3/25/19

EPA Administrator Andrew Wheeler is formally recusing himself from agency reviews and permitting decisions on a proposed gold and copper mine near Alaska's Bristol Bay amid criticism his former law firm represented the developer.

Wheeler promised to steer clear of matters involving the controversial Pebble Mine in an updated March 20 recusal statement, two years after his former employer, Faegre Baker Daniels LLP, had arranged a meeting between former EPA chief Scott Pruitt and project developer Pebble LP.

Weeks after that 2017 meeting, Pruitt moved to withdraw proposed mining restrictions that would make it difficult, if not impossible, for the project to secure an essential Clean Water Act permit. Although Pruitt later backtracked, business groups have recently lobbied the EPA to toss out the five-year-old restrictions, arguing they preemptively block a project that would sustain jobs and extract at least 6.5 billion tons of known minerals. Environmentalists counter that the proposed mine jeopardizes a thriving salmon fishery.

Wheeler cast his decision as a "voluntary recusal" since he never provided services to a Faegre Baker Daniels client on the Pebble Mine and government advisers have said the move isn't necessary to fulfill federal ethics rules. Wheeler said his recusal would last as long as he leads the Environmental Protection Agency. In the meantime, Wheeler has delegated Pebble issues to EPA General Counsel Matthew Leopold.

The Environmental Protection Agency could still move to lift the restrictions, without Wheeler's involvement. And in the meantime, the Army Corps of Engineers is taking public comment on a draft environmental impact statement analyzing the mine.

Wheeler will continue to be recused from matters involving a slew of former clients until April 20, 2020, including coal miner Murray Energy Corp., uranium developer Energy Fuels Resources Inc., biofuel advocacy group Growth Energy and electric generator Xcel Energy Inc. Wheeler is also reiterating his commitment to avoid involvement in possible government interventions designed to keep power plants online by declaring a grid "emergency" under a provision of the Federal Power Act. Wheeler had made that promise as part of his earlier 2018 recusal, but the updated letter spells out the vow more explicitly.

Wheeler also said he would not participate in matters related to any Superfund sites where his former clients are potentially a responsible party. And he committed to a one-year cooling-off period from matters involving the National Energy Resources Organization, a not-for-profit group that promotes discussion of energy issues.

Politico Pro

Wheeler recuses himself from Pebble Mine decisions

Alex Guillen, 3/25/19

<https://subscriber.politicopro.com/energy/whiteboard/2019/03/wheeler-recuses-himself-from-pebble-mine-decisions-2932173>

EPA Administrator Andrew Wheeler said he will not make any decisions on the controversial proposed Pebble Mine after determining his former firm's work for the developers posed the potential appearance of a conflict.

"Although not necessarily required, I am recusing myself from matters related to the Pebble Mine, including any associated litigation, settlement agreement, and permitting, to avoid the appearance of any ethical concerns in the role of Administrator," Wheeler wrote in an update to his ethics agreement dated March 20.

Without a confirmed deputy, any decisions related to Pebble Mine may now fall on the agency's general counsel, Matt Leopold.

Speculation about Wheeler's plan to recuse himself from Pebble swirled for months.

Wheeler did not work directly on Pebble issues, but said his old law firm, Faegre Baker Daniels, worked for a client on the mine. Wheeler did not specify which client, but he appeared to reference a meeting arranged by FBD consultant Darrin Munoz in May 2017 between then-Administrator Scott Pruitt and Tom Collier, the Pebble Limited Partnership's CEO.

Pruitt himself made waves in January 2018 when he indicated he had serious concerns about allowing mining for gold, copper and molybdenum in Alaska's Bristol Bay region. The Trump administration had previously struck a deal with the developer to allow permitting via the U.S. Army Corps of Engineers to continue before EPA decided whether to exercise its veto authority.

Bloomberg first reported Monday on Wheeler's recusal.

WHAT'S NEXT: The Corps is currently taking public comment on its draft environmental impact statement. EPA is unlikely to take any action related to Pebble for another two years.

The Associated Press

EPA administrator recuses himself from Pebble Mine decisions

3/25/19

<https://www.ktuu.com/content/news/EPA-administrator-recuses-himself-from-Pebble-Mine-decisions-507649421.html>

The head of the U.S. Environmental Protection Agency says he is recusing himself from decisions related to the proposed Pebble Mine in southwest Alaska.

Andrew Wheeler, in a memo, says his former employer provided services to a client related to the Pebble project. His memo doesn't provide details on that but Wheeler, a former lobbyist, says he wasn't personally involved.

Still, he says he's voluntarily recusing himself from matters related to the project during his EPA tenure, including any associated litigation, settlement agreement and permitting.

The Pebble Limited Partnership wants to develop a copper and gold mine in Alaska's Bristol Bay region.

The U.S. Army Corps of Engineers is evaluating a permit application by the project, one of dozens of permits, approvals and authorizations Pebble says it will need.

The Hill

EPA chief recuses himself from mine review his ex-law firm repped: report

By Zack Budryk, 3/25/19

<https://thehill.com/homenews/news/435689-epa-chief-recuses-on-mine-his-ex-law-firm-repped>

Environmental Protection Agency (EPA) Administrator Andrew Wheeler is reportedly recusing himself from agency reviews of a proposed mine whose developer his former law firm represented.

In 2017, Wheeler's then-firm Faegre Baker Daniels arranged a meeting between then-EPA Administrator Scott Pruitt and Pebble LP, the developer of the proposed gold and copper mine near Alaska's Bristol Bay, according to Bloomberg.

Soon after the meeting, Pruitt proposed withdrawing mining regulations that would have hindered the project in securing necessary Clean Water Act permits.

Wheeler never provided services to a client on the mine, but said the recusal would be effective for the length of his tenure as EPA chief, reportedly delegating all issues involving the Pebble Mine to EPA general counsel Matthew Leopold.

Wheeler will remain recused from matters involving several ex-clients, including coal company Murray Energy, uranium developer Energy Fuels Resources and biofuel advocates Growth Energy, according to Bloomberg. He also recused himself from issues involving Superfund sites where his former clients may be responsible.

Last July, an EPA ethics official defended Wheeler's meetings with former lobbying clients, including Darling Ingredients, Archer Daniels Midland Co. and the South Coast Air Quality Management District, noting that Wheeler did not work for them within two years before his arrival at the EPA.

"A former client is defined as anybody for whom the appointee provided services — legal service, consulting services, whatever — within the prior two years," Fugh told The Hill in 2018.

EPA officials did not immediately respond to a request for comment from The Hill.

Bloomberg Environment

EPA Chief Wheeler Recuses Himself From Pebble Mine Decision

EPA Administrator Andrew Wheeler has formally recused himself from the ongoing Pebble Mine permitting process, according to an agency letter dated March 20 and obtained by Bloomberg Environment.

Wheeler's decision comes as a disappointment to backers of the planned gold, copper, and molybdenum deposit, who hoped he would intervene to lift Obama-era Clean Water Act restrictions on the Alaska mine's construction.

The Environmental Protection Agency could still attempt to lift the restrictions. Wheeler has delegated Pebble issues to EPA General Counsel Matthew Z. Leopold.

In his internal memo to EPA staff, Wheeler indicated that he formerly worked as a lobbyist for law firm Faegre Baker Daniels LLP, which has provided services to Pebble.

Though Wheeler said he "did not personally provide any such services" to Pebble, he nevertheless included the mine as an "additional voluntary recusal" to avoid the appearance of ethical concerns. Wheeler also stressed that he has no financial conflicts of interest.

Wheeler didn't include Pebble Mine or the Pebble Limited Partnership—the company seeking to develop the project—in a previous statement listing former clients and issues he is avoiding.

EPA Action Still Possible

The 2014 proposed restrictions sharply limit the mine's water pollution, making a Clean Water Act permit harder to obtain. The restrictions were issued before Pebble submitted a mine plan or applied for a permit.

But the restrictions were never finalized and legally can't be until 2021, thanks to a court settlement the EPA reached with Pebble Mine in May 2017. Until then, the EPA has agreed not to impose more permanent restrictions under section 404(c) of the Clean Water Act, which addresses the dumping of dredged or fill material.

The Pebble Limited Partnership said its new mine plan is significantly different from the one the EPA sought to block in 2014, and therefore the restrictions should be lifted.

Pebble Mine is now going through a draft environmental impact statement with the Army Corps of Engineers. On March 20, the Corps said it hadn't heard any "compelling" reasons to extend the comment period beyond 90 days, frustrating environmentalists and some Alaska natives, who have asked for more time.

Long Chain of Events

Wheeler's recusal is the latest in a head-snapping sequence of EPA decisions under President Donald Trump. In May 2017, former EPA chief Scott Pruitt moved to lift the Obama-era proposed water limits. But eight months later, Pruitt made a surprise decision to leave the restrictions in place.

Shortly before leaving office, however, Pruitt directed agency staff in a memo to consider stripping themselves of the power to veto projects under the Clean Water Act.

Pebble and its supporters have been calling on the EPA for months to abandon the veto.

Future EPA chiefs, or even regional administrators, could follow Pruitt's lead and pre-emptively turn any state or private land "into a national park," taking it off the table for development, Tom Collier, chief executive officer of the Pebble Limited Partnership, told reporters last June.

"I'm riled up about the precedent, but what drives me even more crazy is why this administration, which talks about federal overreach, would in January recognize the use of a pre-emptive veto," Collier said. "That's what Scott Pruitt did."

In September 2018, a coalition of business groups, including Americans for Tax Reform, Americans for Prosperity, and Competitive Enterprise Institute, sent a letter to the EPA, urging it to strike down the 2014 proposed determination.

The proposed limits “would have a dramatic chilling effect on investment in America” and would block the creation of 2,000 jobs, the groups said.

They also alleged that it was “based on incomplete, shoddy analysis, and agency collusion with liberal environmental activists and other project opponents.”

The Pebble Limited Partnership said its mineral lode is “the most significant undeveloped copper and gold resource in the world,” containing 6.5 billion tons of known minerals and another 4.5 billion tons of assumed minerals.

Michael Abboud

U.S. Environmental Protection Agency

Office of Public Affairs

M: Ex. 6 Personal Privacy (PP)

To: Kaiser, Russell[Kaiser.Russell@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Fri 9/7/2018 6:25:24 PM (UTC)
Subject: FW: Conservative letter on Section 404(c)
[Conservative Letter on Section 404\(c\).pdf](#)
[ATT00001.htm](#)

FYI – just wanted folks to know about this letter from 15 conservative groups to Wheeler. I requests that we rescind the Pebble PD and expresses support for the 404c rulemaking called for in the June 2018 Pruitt memo regarding 404c.

If this letter gets controlled for a response, we will share a draft with R10 for review.

From: Wehling, Carrie
Sent: Thursday, September 06, 2018 5:05 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Conservative letter on Section 404(c)

fyi

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Fotouhi, David
Sent: Thursday, September 06, 2018 4:53 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Fwd: Conservative letter on Section 404(c)

FYI

Sent from my iPhone
Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: September 6, 2018 at 3:37:20 PM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Subject: Fwd: Conservative letter on Section 404(c)

Begin forwarded message:

From: Mike Palicz <mpalicz@atr.org>
Date: September 6, 2018 at 2:35:23 PM EDT
To: Elizabeth Tate Bennett <bennett.tate@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: Conservative letter on Section 404(c)

Tate and Mike,

I hope you are both doing well. Attached please find a coalition letter from 15 conservative groups urging Acting Administrator Wheeler to rescind the proposed veto ("proposed determination") on Pebble Mine in Southwest Alaska. While we applaud the June memo issued by former Administrator Pruitt, we believe the continuing existence of the proposed veto on Pebble Mine still sets a precedent for future administrations and undermines the reform intended in Pruitt's memo.

Please let me know if I can provide any additional information or answer any questions.

Best,

Mike Palicz

Federal Affairs Manager

Americans for Tax Reform

722 12th Street NW | Washington, DC 20005

203-417-9970 | www.atr.org | mpalicz@atr.org

From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Location: R10Sea-Room-14WallaWalla/R10-Rooms-Service-Center
Importance: High
Subject: Canceled: Bristol Bay Check-in
Start Time: Tue 2/26/2019 5:00:00 PM (UTC)
End Time: Tue 2/26/2019 6:00:00 PM (UTC)
Required Attendees: Allnutt, David; Anderson-Carnahan, Linda; McGrath, Patricia; Palomaki, Ashley; Steiner-Riley, Cara; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Douglas, Mark; Vaughan, Molly; Hough, Palmer; Nalven, Heidi; Fordham, Tami; Stern, Allyn; Detwiler, Susan K.

Hello,

We are cancelling next week's Bristol Bay Check-in due to conflicts. Here are a few updates in-place of the meeting.

NEPA/Permit Oversight

Pebble Project EIS

- Draft EIS is available on Corps' website at: <https://pebbleprojecteis.com/documents/eis>
- 90-day comment period scheduled to end May 2019

CWA 404 Public Notice

- Estimated to be released March 1, 2019

404c

Bristol Bay NEPA and 404 Leadership Update

- David, Patty McGrath, Palmer, Erik, Ashley, and Cara Steiner-Riley continue to prepare for a February 28th Bristol Bay Leadership briefing with Henry Darwin in Seattle and decision-makers from OW, OP and OGC
- Plan to share final slides no later than February 27th

Request for Correction or Withdrawal

- OEI's February 13th status update letter to the Competitive Enterprise Institute indicates that EPA expects to provide a response to the RFC or another status update within 90 business days, June 21 2019

FOIA

- Actively working on document database for next interim response to Trustees for Alaska request

Required Attendees: Allnutt, David; Anderson-Carnahan, Linda; McGrath, Patricia; Palomaki, Ashley; Steiner-Riley, Cara; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Douglas, Mark; Vaughan, Molly; Hough, Palmer; Nalven, Heidi; Fordham, Tami; Stern, Allyn; Detwiler, Susan K.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

Required Attendees: Allnutt, David; Anderson-Carnahan, Linda; McGrath, Patricia; Palomaki, Ashley; Steiner-Riley, Cara; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Douglas, Mark; Vaughan, Molly; Hough, Palmer; Nalven, Heidi; Fordham, Tami; Stern, Allyn; Detwiler, Susan K.

To: Allnutt, David[Allnutt.David@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Detwiler, Susan K.[detwiler.susan@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Wed 1/30/2019 3:33:29 PM (UTC)
Subject: FW: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
McClatchy News Inquiry R10 draft response 1-30-2019.docx

Good Morning:

I sent our draft response to OW communications and OPA – attached here. Big thank you to Palmer and Ashley for your reviews and edits. Once this gets circulating around HQ, I'm hoping they'll keep us looped in on any major edits, and send us the final before it goes to the reporter. I'll let you know how it goes.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! [@EPAnorthwest](#)
Like us on Facebook! [@eparegion10](#)

From: Skadowski, Suzanne
Sent: Monday, January 28, 2019 6:26 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: FYI MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High

Just FYI for now. We're working on draft answers to send to HQ. Just wanted to give you early heads up.

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! [@EPAnorthwest](#)
Like us on Facebook! [@eparegion10](#)

From: Skadowski, Suzanne
Sent: Monday, January 28, 2019 3:22 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High

Hello and welcome back all!

I need your help with the Qs below. Once we have draft answers we're happy with, I'll work w/ HQ on final. I talked with this reporter on background this morning to help get her up to speed.

Reporter wants to attribute/quote answers to questions below. I've attached the Qs and some proposed As in the attached doc.

Thanks!
Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! [@EPAnorthwest](#)
Like us on Facebook! [@eparegion10](#)

From: Rennie, Julianna <jrennie@mcclatchydc.com>
Sent: Monday, January 28, 2019 1:02 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: FW: Media questions about Pebble Mine

Hi, Suzanne:

Thank you so much for chatting with me earlier today! Here are some of the questions that I would like EPA to comment on:

1. Other than in 2014 for the Pebble Project, has the EPA ever preemptively issued a proposed determination? Why did the EPA feel that it was necessary to do so for this project?
2. Why did Pruitt suspend the process to withdraw the proposed determination? Do you have any data from that comment period? (How many comments were submitted? Were they primarily in favor or opposition?)
3. Please comment on the timeline for the EIS. Is the EPA concerned about the accelerated timeline? How has Trump's emphasis on streamlined permitting influenced that decision?
4. If the Army Corps releases a favorable EIS but the proposed determination has not been withdrawn or finalized, then what happens?
5. If the Army Corps does issue a permit, can the EPA still block the project using 404c after the permit is granted?

Please let me know if you have any questions. I really appreciate all of your help!

Best,
Julianna

On Mon, Jan 28, 2019 at 2:41 PM Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:
Hi Julianna,

Thanks for reaching out. I'm the main communications contact for EPA's work around the Pebble Mine.

Please give me a call when you get a chance, or send your questions by email.

Thanks!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! [@EPAnorthwest](#)

From: Rennie, Julianna <jrennie@mcclatchydc.com>

Sent: Friday, January 11, 2019 12:14 PM

To: MacIntyre, Mark <Macintyre.Mark@epa.gov>

Subject: Media questions about Pebble Mine

Hi, Mr. MacIntyre:

I'm a reporter for McClatchy and I'm working on an article about the Pebble Mine project. Would you be available to answer a few questions about the EPA's involvement with project? Feel free to give me a call at (704) 491-4996 when you return to the office.

Best,
Julianna

Julianna Rennie
Congressional Reporter
McClatchy DC
jrennie@mcclatchydc.com
(704) 491-4996

To: Bennett, Brittany[bennett.brittany@epa.gov]; Herbst, John[herbst.john@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]
Cc: Kaiser, Russell[Kaiser.Russell@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Thur 11/15/2018 11:15:31 PM (UTC)
Subject: Notes from 11-14-18 meeting between Deputy AA OW and PLP
[Bristol Bay Meeting Notes 11.14.2018 RLK.DOCX](#)

Pebble 404(c) Team

Yesterday Lee Forsgren met with PLP and other BB stakeholders supportive of Pebble mine. Attached are the notes from that meeting put together by Russ Kaiser. Please add these to our meeting records.

Thanks, Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

EPA Deputy AA Meeting with PLP	
Topic: Bristol Bay	
Meeting Date: Nov 14, 2018	
Location: EPA HQ (Washington, DC)	
List of Third Party Attendees (including affiliation): <ul style="list-style-type: none"> • Abe Williams, The Pebble Partnership (PLP) • Chasity Anelon, PLP • Rhiannon Nanabook, PLP • Ventura Sumanigo, Kijik • Brad Angasan, ADC • Krista Williams, BBNC Shareholder • Shannon Johnson-Nanabook, Iliamna 	
Did EPA decide which third parties would attend?: No.	
List of EPA Attendees: <ul style="list-style-type: none"> • Lee Forsgren • Brian Frazer • Russ Kaiser 	
Agenda: Status of Bristol Bay PD	
Did EPA/Third Party Set the Agenda?: Third Party, Abe Williams	
Did EPA/Third Party Run the Meeting: Meeting ran as a conversation	
Notes from Discussion (including individual advice/feedback provided to Agency): EPA Notes (Forsgren): <ul style="list-style-type: none"> • We will stay on current path, noting there are no immediate actions for EPA to take with respect to the (c) action. • We will remain engaged in the NEPA process as it relates to our mission. • We will continue to be transparent and listen to views from interested parties. • We will use the NEPA document findings and latest science to inform our ultimate decision on the (c) action - we will use facts to support our decision. • We don't know what the final decision will be at this time and reminded them that there is no pre-judged outcome for the action. • Lee will be the lead for OW, and it is not clear at this time if the Acting Administrator or Henry Darwin will be the decision-maker. Third Party Summary Notes: <ul style="list-style-type: none"> • Requested EPA to please remove the pending (c) action as it is creating investor uncertainties, which is creating a lower growth rate in needed jobs in the area and likely eliminating future jobs as a consequence of not taking an action. Also, potentially causing other community issues. • Looming veto inhibits Corps from completing NEPA process. Lee F clarified that (c) action only prevents Corps from making final permit decision. They can complete NEPA ROD. • Salmon initiative failed ... need to consider that in your findings. • BBNC doesn't represent all positions for the AK Natives. 	
Next Steps/Follow-up Discussed: Request for Lee to convey meeting summary highlights with decision-makers. Lee indicated he would do so when he had the opportunity to do so.	

To: Goodin, John[Goodin.John@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]
Cc: McGrath, Patricia[mcgrath.patricia@epa.gov]; Resper, Wanda[Resper.Wanda@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Herbst, John[herbst.john@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Sun 3/25/2018 7:32:30 PM (UTC)
Subject: Draft response to 3-7-18 CMS from House Science/Natural Resources committees for your review
Smith House Science Comm Template Response DRAFT v3.docx
18-000-5435 Bristol.pdf

Hough, Palmer has shared a OneDrive for Business file with you. To view it, click the link below.

 Smith_House Science Comm_Template Response DRAFT_v3.docx

Folks

Attached for your review is a draft response to the 3-7-18 CMS from House Science/Natural Resources committees regarding Pebble/BB. The draft response was put together by the BB 404(c) team which includes staff from R10, OW and OGC. We would appreciate your comments by COB Wednesday 3/28/18. Edits can be made to the attached word doc or sharepoint file.

Ex. 5 Deliberative Process (DP)

Thanks, Palmer

Ex. 5 Deliberative Process (DP)

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To: R10-OERA Calendar[R10-OERA_Calendar@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Anderson-Carnahan, Linda[Anderson-Carnahan.Linda@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]; Mendelman, Krista[Mendelman.Krista@epa.gov]
Cc: Detwiler, Susan K.[detwiler.susan@epa.gov]; Douglas, Mark[douglas.mark@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Fri 6/29/2018 11:16:06 PM (UTC)
Subject: Bristol Bay Check-in Agenda 7/3/18

Agenda

- Scoping letter
- Site visits
- Review of preliminary EIS deliverables
- Pruitt 404(c) memo
- Status of responses to Congress
- FOIA



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Anderson-Carnahan, Linda[Anderson-Carnahan.Linda@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]; Douglas, Mark[douglas.mark@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]; Mendelman, Krista[Mendelman.Krista@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Detwiler, Susan K.[detwiler.susan@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Tue 7/31/2018 8:55:17 PM (UTC)
Subject: Bristol Bay Check-in Agenda - 8/1/18

Hello,

Tomorrow at 10 am PST, 8/1/18, we will have a Bristol Bay check-in with Linda Anderson-Carnahan. Linda is acting for David Allnutt while he is out.

The purpose of these bi-weekly meetings is for the two Bristol Bay Teams - the Permit Oversight/NEPA Review Team and the 404(c) Team – to check-in with each other and with regional management. Agenda items are listed below.

Agenda

Site visit

Review of preliminary EIS deliverables

Congressman De fazio and Senator Carter CMS

AOO Director Briefing

Henry Darwin Briefing

Gosar et al./Western Caucus Response

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

-----Original Appointment-----

From: Peterson, Erik

Sent: Tuesday, June 12, 2018 4:15 PM

To: Anderson-Carnahan, Linda; Peterson, Erik; Allnutt, David; McGrath, Patricia; Palomaki, Ashley; Steiner-Riley, Cara; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Douglas, Mark; Vaughan, Molly; Hough, Palmer; Nalven, Heidi; Fordham, Tami; Mendelman, Krista; Stern, Allyn; Anderson-Carnahan, Linda

Cc: Detwiler, Susan K.

Subject: Bristol Bay Check-in

When: Wednesday, August 01, 2018 10:00 AM-10:30 AM (UTC-08:00) Pacific Time (US & Canada).

Where: R10Sea-Room-14Elwha/R10-Rooms-Service-Center

Suggesting change to this meeting given scheduling constraints.

Erik Peterson will email the agenda prior to the meeting.

→ **Join by Phone**

ED_002890_00102478-00001

Bristol Bay/Pebble Mine 2019 FOIAs_Production007

Toll number: [Redacted]
Conference ID: [Redacted]

Local numbers: [Redacted]

→ Meeting Organizer
Erik Peterson, USEPA (206) 553-6382 office

To: McGrath, Patricia[mcgrath.patricia@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Anderson-Carnahan, Linda[Anderson-Carnahan.Linda@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]; Combes, Marcia[Combes.Marcia@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Wed 2/28/2018 4:10:56 PM (UTC)
Subject: RE: agenda for 2/28 BB check in call
[Pebble-Bristol Bay 404\(c\) Options for additional public comment 2-28-18 clean.docx](#)

David

In prep for today's discussion, attached is the final draft of the comment period options paper for the briefing with senior leadership on 3/6. It was developed by the 404(c) team and reflects input from two rounds of review by career management. I will need to forward a final to Lee F's admin assistant by Friday 3/2 so it can be added to the meeting invite for 3/6.

Thanks, Palmer

From: McGrath, Patricia
Sent: Tuesday, February 27, 2018 7:04 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Combes, Marcia <Combes.Marcia@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: agenda for 2/28 BB check in call

Hi All-
Below is an agenda for our call tomorrow. Let me know if you have additional topics.

FOIA
PD

- Comment Period Options Paper
- Preparation for 3/6 briefing

NEPA/Permitting

- Status of cooperating agency letter
- Recent conversations with OFA
- Scoping schedule

Patty McGrath | Mining Advisor

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101

M/S: RAD-202

Office: (206) 553-6113

Cell: Ex. 6 Personal Privacy (PP)

mcgrath.patricia@epa.gov

To: R10-OERA Calendar[R10-OERA_Calendar@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Anderson-Carnahan, Linda[Anderson-Carnahan.Linda@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]; Combes, Marcia[Combes.Marcia@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Tue 4/10/2018 7:57:28 PM (UTC)
Subject: RE: Bristol Bay Check-in

Agenda

- FOIA
- Donlin discussion
- Options paper follow-up
- Extension of scoping comment deadline to June 29 and revised internal review schedule.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

-----Original Appointment-----

From: R10-OERA Calendar

Sent: Monday, February 05, 2018 10:13 AM

To: R10-OERA Calendar; Allnutt, David; Anderson-Carnahan, Linda; McGrath, Patricia; Palomaki, Ashley; Steiner-Riley, Cara; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Peterson, Erik; Nalven, Heidi; Fordham, Tami; Combes, Marcia; Szerlog, Michael

Subject: Bristol Bay Check-in

When: Wednesday, April 11, 2018 9:00 AM-10:00 AM (UTC-08:00) Pacific Time (US & Canada).

Where: R10Sea-Room-14Elwha/R10-Rooms-Service-Center; Conference Line: **Ex. 6 Personal Privacy (PP)**

Conference Line: **Ex. 6 Personal Privacy (PP)**

Appointment

From: Peterson, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: 3/1/2018 12:25:15 AM
To: Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]
CC: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Bennett, Brittany [bennett.brittany@epa.gov]
Subject: Bristol Bay 404(c) - Allnutt's Options Paper Suggestion
Location: Phone, see invite
Start: 3/1/2018 5:30:00 PM
End: 3/1/2018 6:00:00 PM
Show Time As: Tentative

Appointment

From: Peterson, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: 4/10/2018 7:26:47 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Bennett, Brittany [bennett.brittany@epa.gov]; Ortiz, Michael [Ortiz.Michael@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]; Lindsay, Andrea [Lindsay.Andrea@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]; Wake, Neverley [wake.neverley@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Herbst, John [herbst.john@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]
Subject: Bristol Bay 404(c) Team Weekly Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center;
Start: 4/10/2018 7:30:00 PM
End: 4/10/2018 8:30:00 PM
Show Time As: Tentative

Recurrence: Weekly
every Tuesday from 12:30 PM to 1:30 PM

Appointment

From: Peterson, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: 3/1/2018 12:25:10 AM
To: Peterson, Erik [Peterson.Erik@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]
CC: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Bennett, Brittany [bennett.brittany@epa.gov]
Subject: Bristol Bay 404(c) - Allnutt's Options Paper Suggestion
Attachments: Pebble-Bristol Bay 404(c)_Options for additional public comment_2-28-18_clean.EP attempt Allnutt Suggestion.docx
Location: Phone, see invite

Start: 3/1/2018 5:30:00 PM
End: 3/1/2018 6:00:00 PM
Show Time As: Busy

I've attached an attempt to respond to David Allnutt's suggestion and would like to discuss.

Ex. 5 Deliberative Process (DP)

→ Join by Phone

Toll number:
Conference ID: Ex. 6 Personal Privacy (PP)

To: Bennett, Brittany[bennett.brittany@epa.gov]; Herbst, John[herbst.john@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]
Cc: Kaiser, Russell[Kaiser.Russell@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Thur 11/15/2018 11:15:31 PM (UTC)
Subject: Notes from 11-14-18 meeting between Deputy AA OW and PLP
[Bristol Bay Meeting Notes 11.14.2018 RLK.DOCX](#)

Pebble 404(c) Team

Yesterday Lee Forsgren met with PLP and other BB stakeholders supportive of Pebble mine. Attached are the notes from that meeting put together by Russ Kaiser. Please add these to our meeting records.

Thanks, Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Wed 10/10/2018 4:48:59 PM (UTC)
Subject: RE: Bristol Bay 404(c) - Draft Regional CMS for Tim Stephens - 404(c) Team Review Request

No comments from me on the letter. I don't remember seeing the most recent language re: western caucus, but given that these responses have all lingered I might be forgetting something.

From: Palomaki, Ashley
Sent: Wednesday, October 10, 2018 12:05 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay 404(c) - Draft Regional CMS for Tim Stephens - 404(c) Team Review Request

Hi Erik –

This looks fine to me – I assume that the most recent language in the Western Caucus letter went through OGC as well.

Just letting you know that there are some acronyms in the letter that aren't defined but it seems like every time we do this, the rules on that change so just flagging it for you!

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik
Sent: Tuesday, October 09, 2018 3:30 PM
To: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>
Subject: Bristol Bay 404(c) - Draft Regional CMS for Tim Stephens - 404(c) Team Review Request

Hello 404(c) Team,

Please provide feedback on the attached Draft Letter by 10 am PST/ 1 pm EST 10/10.

Sorry for the quick turn-around. The substantive language is from the most recent Western Caucus draft response letter.

Mr. Stephens is one of about 4 Pebble investors who has been emailing Patty McGrath, myself and the R10 RA Chris Hladick. I am

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Kaiser, Russell[Kaiser.Russell@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Fri 9/7/2018 6:25:24 PM (UTC)
Subject: FW: Conservative letter on Section 404(c)
[Conservative Letter on Section 404\(c\).pdf](#)
[ATT00001.htm](#)

FYI – just wanted folks to know about this letter from 15 conservative groups to Wheeler. I requests that we rescind the Pebble PD and expresses support for the 404c rulemaking called for in the June 2018 Pruitt memo regarding 404c.
If this letter gets controlled for a response, we will share a draft with R10 for review.

From: Wehling, Carrie

Sent: Thursday, September 06, 2018 5:05 PM

To: Hough, Palmer ; Goodin, John

Cc: Nalven, Heidi

Subject: FW: Conservative letter on Section 404(c)

fyi

Caroline (Carrie) Wehling

Assistant General Counsel

Water Law Office

U.S. Environmental Protection Agency

Washington DC 20004

202-564-5492

wehling.carrie@epa.gov

From: Fotouhi, David

Sent: Thursday, September 06, 2018 4:53 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Subject: Fwd: Conservative letter on Section 404(c)

FYI

Sent from my iPhone

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>

Date: September 6, 2018 at 3:37:20 PM EDT

To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>

Subject: Fwd: Conservative letter on Section 404(c)

Begin forwarded message:

From: Mike Palicz <mpalicz@atr.org>

Date: September 6, 2018 at 2:35:23 PM EDT

To: Elizabeth Tate Bennett <bennett.tate@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>

Subject: Conservative letter on Section 404(c)

Tate and Mike,

I hope you are both doing well. Attached please find a coalition letter from 15 conservative groups urging Acting Administrator Wheeler to rescind the proposed veto ("proposed determination") on Pebble Mine in Southwest Alaska. While we applaud the June memo issued by former Administrator Pruitt, we believe the continuing existence of the proposed veto on Pebble Mine still sets a precedent for future administrations and undermines the reform intended in Pruitt's memo.

Please let me know if I can provide any additional information or answer any questions.

Best,

Mike Palicz

Federal Affairs Manager

Americans for Tax Reform

722 12th Street NW | Washington, DC 20005

203-417-9970 | www.atr.org | mpalicz@atr.org

To: Peterson, Erik[Peterson.Erik@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Mon 8/13/2018 8:27:23 PM (UTC)
Subject: RE: Bristol Bay Check-in Agenda for 8/14/18

Hi Erik –
I have a conference call with a federal judge tomorrow morning at 9am so I will not be able to participate in this meeting. Cara is out on vacation this week so I don't think you'll have ORC participation.
I think you have current status of FOIA.

Ex. 5 Deliberative Process (DP)

Ashley
Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik
Sent: Monday, August 13, 2018 12:33 PM
To: Allnutt, David ; Anderson-Carnahan, Linda ; McGrath, Patricia ; Palomaki, Ashley ; Steiner-Riley, Cara ; Lindsay, Andrea ; Skadowski, Suzanne ; Nogi, Jill ; Douglas, Mark ; Vaughan, Molly ; Hough, Palmer ; Nalven, Heidi ; Fordham, Tami ; Mendelman, Krista ; Stern, Allyn ; Detwiler, Susan K.
Subject: Bristol Bay Check-in Agenda for 8/14/18
Hello,
Tomorrow at 9 am PST, 8/1/18, we will have a Bristol Bay check-in with Linda Anderson-Carnahan. Linda is acting for David Allnutt while he is out.
The purpose of these bi-weekly meetings is for the two Bristol Bay Teams - the Permit Oversight/NEPA Review Team and the 404(c) Team – to check-in with each other and with regional management.
Agenda
Preliminary EIS document review
FOIA
De Fazio response

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Peterson, Erik[Peterson.Erik@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Mon 8/13/2018 7:47:47 PM (UTC)
Subject: Re: Update for DeFazio Response?

Erik

We got comments from staff in R10 ORC and OGC and sent a revised draft to OWOW management last Thursday. OWOW's deadline is tomorrow to send a draft forward to OW.

Palmer

Sent from my iPhone

On Aug 13, 2018, at 3:38 PM, Peterson, Erik <Peterson.Erik@epa.gov> wrote:

Hello,

I would greatly appreciate hearing where this DeFazio response is in the process.

Anything you know or can share will be helpful for the Bristol Bay check-in with Linda Anderson Carnahan at 9 am PST tomorrow.

Thank you!

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Hough, Palmer [mailto:mailto:no-reply@sharepointonline.com]

Sent: Tuesday, August 07, 2018 5:12 PM

To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Hough, Palmer <Hough.Palmer@epa.gov>

Subject: Hough, Palmer has shared 'Draft DeFazio Response 8.7.18'

Folks

Attached is our draft response to the 7-19-18 control from DeFazio and Carper which deals with both the 404c rulemaking and Pebble.

Please provide edits by NLT noon Thursday 8/9 so we can turn around a draft for management review by COB 8/9.

Thanks, Palmer

Open Draft DeFazio Response 8.7.18.docx

See more related to Hough, Palmer in Delve.

Get the SharePoint mobile app!

To: Peterson, Erik[Peterson.Erik@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Mon 8/13/2018 7:50:22 PM (UTC)
Subject: Fwd: Draft response to 7-19-18 DeFazio/Carper control on 404c Rulemaking and Pebble (CMS 18-000-9391)
[Draft DeFazio Response 8.9.18.docx](#)
[ATT00001.htm](#)
[18-000-9391_DeFazio-Carper_July_2018.pdf](#)
[ATT00002.htm](#)

FYI here is what we sent forward to OWOW

Sent from my iPhone

Begin forwarded message:

From: "Hough, Palmer" <Hough.Palmer@epa.gov>
Date: August 9, 2018 at 7:09:49 PM EDT
To: "Kaiser, Russell" <Kaiser.Russell@epa.gov>, "Frazer, Brian" <Frazer.Brian@epa.gov>, "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Cc: "Bennett, Brittany" <bennett.brittany@epa.gov>
Subject: Draft response to 7-19-18 DeFazio/Carper control on 404c Rulemaking and Pebble (CMS 18-000-9391)

Russ/Brian/Mindy:

Attached is our draft response to the 7-19-18 DeFazio/Carper control that asks questions regarding both the 404c rulemaking and Pebble.

Ex. 5 Deliberative Process (DP)

The letter reflects input from OGC staff and R10 ORC staff.

Our due date on this is now 8/14. Let us know if you have any questions.

Thanks, Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; shoemake.neverley@epa.gov[shoemake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Mon 6/25/2018 10:43:21 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Meeting - 6/26/18

Hi –

Ex. 5 Deliberative Process (DP)

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 155, ORC-113

Seattle, WA 98101

206-553-8582

From: Peterson, Erik

Sent: Monday, June 25, 2018 3:30 PM

To: Steiner-Riley, Cara ; Nalven, Heidi ; Wehling, Carrie ; Palomaki, Ashley ; Bennett, Brittany ; Ortiz, Michael ; Skadowski, Suzanne ; Lindsay, Andrea ; Whitley, Annie ; shoemake.neverley@epa.gov; Hough, Palmer ; Herbst, John

Subject: Bristol Bay 404(c) Team Meeting - 6/26/18

Hello BB 404(c) Team,

I propose that we cancel our call for tomorrow. Instead, below are a few brief updates. Please add any important status update I may have missed.

Also, please let me know if you have any agenda items to suggest for the July 3rd Allnutt check-in beyond what I have in the notes below.

FOIA

Ex. 5 Deliberative Process (DP)

PLP Response

- Heidi and Ashley working on this

Western Caucus Response

- Sent to Lee F. w/ copy to David F.

QFR

- Next step is OMB clearance

Items for Allnutt check-in on July 3rd

- Provide quick updates on the above items



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Shoemake, Neverley[shoemake.neverley@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 2/27/2018 8:42:55 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Weekly Call
Pebble-Bristol Bay 404(c) Options for additional public comment 2-20-18 markup.docx

Here is the mark-up as of 12:45 PM ET today.

-----Original Appointment-----

From: Peterson, Erik
Sent: Friday, January 12, 2018 8:46 PM
To: Peterson, Erik; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Palomaki, Ashley; Bennett, Brittany; Ortiz, Michael; Skadowski, Suzanne; Lindsay, Andrea; Whitley, Annie; Shoemake, Neverley; Hough, Palmer; Herbst, John
Subject: Bristol Bay 404(c) Team Weekly Call
When: Tuesday, February 27, 2018 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-20Cedar/R10-Rooms-Service-Center;
FOIA - Ashley
Options Paper and Briefing Preparation

- ▽ Briefing paper update. What input is still needed? – Palmer
- ▽ Confirmation that this group is comfortable with the briefing paper. – Erik
- ▽ Briefing paper submittal by March 2nd. Everyone comfortable with this? Who will submit to whom and how? – Erik
- ▽ Discuss Feb. 28th pre-briefing for David Allnutt
 - We plan to use 30 minutes of the joint 404(c)/permitting meeting with Allnutt on February 28th to prepare him for the March 6th Chris H., Lee F. and David F. briefing.
 - Suggestions and considerations to communicate to Allnutt on Feb. 28th

Propose Ex. 5 Deliberative Process (DP) comments on this approach, alternatives?

Suggest Allnutt refer to Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Join by Phone
Toll number: Ex. 6 Personal Privacy (PP)
Conference ID: Ex. 8 Personal Privacy (PP)

Meeting Organizer
Erik Peterson, USEPA (206) 553-6382 office

To: Peterson, Erik[Peterson.Erik@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Shoemake, Neverley[shoemake.neverley@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Herbst, John[herbst.john@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Douglas, Mark[douglas.mark@epa.gov]; Winkelhorst, Michael[Winkelhorst.Michael@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Murphy, Stacy[Murphy.Stacy@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Combes, Marcia[Combes.Marcia@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Murphy, Stacy[Murphy.Stacy@epa.gov]; Thiesing, Mary[Thiesing.Mary@epa.gov]; Dunbar, Bill[dunbar.bill@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Wed 1/31/2018 4:36:56 PM (UTC)
Subject: FW: Thank you from Bristol Bay Native Corporation

From: Holsman, Marianne

Sent: Wednesday, January 31, 2018 8:08 AM

To: Skadowski, Suzanne ; Lindsay, Andrea

Cc: Philip, Jeffrey

Subject: FW: Thank you from Bristol Bay Native Corporation

From: Hladick, Christopher

Sent: Wednesday, January 31, 2018 4:42 AM

To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Alyn@epa.gov>

Subject: Fwd: Thank you from Bristol Bay Native Corporation

FYI

Sent from my iPhone

Begin forwarded message:

From: "Forsgren, Lee" <Forsgren.Lee@epa.gov>

Date: January 30, 2018 at 7:34:23 PM EST

To: "Ford, Hayley" <ford.hayley@epa.gov>

Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>

Subject: Fwd: Thank you from Bristol Bay Native Corporation

Hayley

Thought the Administrator might be interested in seeing this.

Lee

Sent from my iPhone

Begin forwarded message:

From: Jason Metrokin <jmetrokin@BBNC.NET>

Date: January 30, 2018 at 7:29:06 PM EST

To: "pruitt.scott@epa.gov" <pruitt.scott@epa.gov>

Cc: "forsgren.lee@epa.gov" <forsgren.lee@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Fordham, Tami" <Fordham.Tami@epa.gov>, "Daniel L. Cheyette" <dcheyette@BBNC.NET>, Joseph Chythlook <jchythlook@BBNC.NET>, Jason Metrokin <jmetrokin@BBNC.NET>

Subject: Thank you from Bristol Bay Native Corporation

Administrator Pruitt,

On behalf of Bristol Bay Native Corporation, thank you for the action taken on Friday to suspend further consideration of the July 2017 proposal to rescind the 2014 Proposed Determination concerning Bristol Bay. BBNC and its 10,300+ shareholders have ancestral ties to the Bristol Bay region of Alaska. As you may already know, for longer than a decade Bristol Bay has been coping with the economic uncertainty posed by the proposed Pebble mine. EPA's action Friday, will reassure our shareholders that the Federal government understands the importance of the region's commercial, subsistence and sport fisheries and will step

forward as necessary to protect those fishery resources when threatened by external risks. This issue is of paramount importance because Bristol Bay's fisheries are a cornerstone of our local, state, and national economy. By protecting Bristol Bay, you are standing up to support the nearly 20,000 American jobs and nearly \$1.5 billion in national economic activity generated by the commercial fisheries. The region is also home to a multitude of hunting and fishing lodges that employ hundreds of guides, pilots and lodge staff and add an additional \$60 million to the region's economy. Lastly, Bristol Bay's fish and wildlife resources supply subsistence harvests that sustain the region's residents year after year.

Should the Pebble Limited Partnership proceed with Clean Water Act permitting, please ensure the permitting process is robust. EPA should fully engage as a cooperating agency and use its authority under 404(q) to demand that Assistant Secretary of the Army review all permit decisions by the Corps of Engineers Alaska District Office.

I understand you have visited Bristol Bay in the past. I hope you will make every effort to come back and be reminded first-hand the tremendous fishery resources of the region.

Again thank you for the action on Friday.

Regards,



Jason Metrokin
President & CEO

Bristol Bay Native Corporation

111 W 16th Avenue, Suite 400

Anchorage, AK 99501

Phone: Ex. 6 Personal Privacy (PP)

Fax: 907.276.3924

www.bbnc.net

Bristol Bay Native Corporation is a responsible Alaska Native investment corporation dedicated to the mission of "Enriching Our Native Way of Life." Established through the Alaska Native Claims Settlement Act of 1971, BBNC works to protect the land in Bristol Bay, celebrate the legacy of its people, and enhance the lives of its shareholders.

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Shoemake, Neverley[shoemake.neverley@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 2/20/2018 6:48:17 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Weekly Call
Pebble-Bristol Bay 404(c) Options for additional public comment 2-19-18 ACP pfh.docx

Folks:
Ashley and I have attempted to integrate the comments we received on the revised draft options paper, see attached mark-up. We got comments from David A, Allyn S, Michael S, and Patty M.
If everyone is ok with these edits, after the call we can circulate a revised draft for management to review a second time. We did not get any comments from OWOW or OGC management on the last draft so we will press them harder on the next draft for comments.

Also, who is leading today’s call in Erik’s absence?

-Palmer
-----Original Appointment-----

From: Peterson, Erik
Sent: Friday, January 12, 2018 8:46 PM
To: Peterson, Erik; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Palomaki, Ashley; Bennett, Brittany; Ortiz, Michael; Skadowski, Suzanne; Lindsay, Andrea; Whitley, Annie; Shoemake, Neverley; Hough, Palmer; Herbst, John
Subject: Bristol Bay 404(c) Team Weekly Call
When: Tuesday, February 20, 2018 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-20Cedar/R10-Rooms-Service-Center;
Agenda (suggestions welcome) – Erik is out February 20th.
FOIA - Ashley
Draft Options Paper - Palmer (suggestions below for topics to discuss, but go through this however you all feel is most helpful)
▽ Review management feedback
▽ How to address feedback, who will make edits? Process for finalizing prior to February 27th.
▽ Discuss how to approach pre-briefing for David Allnutt on February 28th. We plan to use 30 minutes or less of the joint 404(c)/permitting meeting with Allnutt on February 28th to prepare him for the March 6th Chris H., Lee F. and David F. briefing.

Ex. 5 Deliberative Process (DP)

404(c) funding discussion
▽ Michael Szerlog has requested an estimate of 404(c) related funding needs for FY 19 by February 28th. He has provided the following categories. Please have an initial brainstorm on possible funding needs. We can finalize our estimate on 2/27.
▽ Initial thoughts include:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Join by Phone
Toll number: Ex. 6 Personal Privacy (PP)
Conference ID: Ex. 6 Personal Privacy (PP)

Meeting Organizer

Erik Peterson, USEPA (206) 553-6382 office

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Mon 2/5/2018 4:58:37 PM (UTC)
Subject: FW: [DMARC Fail] Stop Corruption - Pebble Mine Must Go Forward

FYI -

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Pirzadeh, Michelle

Sent: Saturday, February 03, 2018 7:36 AM

To: Allnutt, David ; Palomaki, Ashley ; Stern, Allyn

Cc: Hladick, Christopher ; Holsman, Marianne ; Opalski, Dan

Subject: Fwd: [DMARC Fail] Stop Corruption - Pebble Mine Must Go Forward

FYI, early this morning I started receiving multiple of these emails, 100+so far.

Sent from my iPhone

Begin forwarded message:

From: John Vittori <Ex. 6 Personal Privacy (PP)>

Date: February 3, 2018 at 6:44:03 AM PST

To: Pirzadeh.michelle@epamail.epa.gov

Subject: [DMARC Fail] Stop Corruption - Pebble Mine Must Go Forward

Dear EPA Region 10 Acting Administrator EPA Region 10 Administrator Michelle Pirzadeh,

The corruption of the Obama EPA is well-documented. You must completely remove the veto. Sec. Pruitt's press from Jan 23 did significant harm to NAK and its investors, even though he said the permit process will continue.

Delaying WOTUS makes the veto a moot point. Come out and say the veto was mistake (not to mention illegal) and SUPPORT science.

We need clarity that science will determine whether or not this mine is approved. We demand fairness from an EPA that has hurt this company and its investors for years.

It's well-documented that years of research have already proven that the mine can exist with very limited impact to the environment and the Bristol Bay Fisheries. Less that .05% of the BB water source flows from the mine area!

Do the right thing! Come out and remove the veto threat and say clearly that science will determine the outcome.

Thank you,

Sincerely,

John Vittori

Ex. 6 Personal Privacy (PP)

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Shoemake, Neverley[shoemake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Bennett, Brittany[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D7B265C202C467791CA4D4AC6B8DB8B-BENNETT, BR]
Sent: Mon 2/5/2018 3:03:50 PM (UTC)
Subject: BB Sharepoint Folder

Hey All – just a heads up that I created a new folder titled “Post No-Withdrawal Decision” in the SharePoint. As things get a bit more nuanced and procedural, I’ll perhaps create separate folders, but for now you can use this folder for anything pertaining to actions taken after the January FRN.

https://usepa.sharepoint.com/sites/OW_Work/bristolbay2017/Post%20NoWithdrawal%20Decision

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov
-----Original Appointment-----

From: Peterson, Erik
Sent: Friday, January 12, 2018 8:29 PM
To: Peterson, Erik; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Palomaki, Ashley; Bennett, Brittany; Ortiz, Michael; Skadowski, Suzanne; Lindsay, Andrea; Whitley, Annie; Shoemake, Neverley; Hough, Palmer; Herbst, John
Subject: Bristol Bay 404(c) Team Weekly Call
When: Tuesday, February 06, 2018 12:30 PM-1:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-11Camas-ORC-VTC/R10-Rooms-Restricted;
Agenda (suggestions welcome)

- ▽ Corps website link? – Suzanne
 - ▽ Draft Comment Period Options Paper – Erik
- [Bristol Bay 404\(c\) Post No-Withdrawal Comment Period Options Paper](#)

Join by Phone
Toll number: Ex. 6 Personal Privacy (PP)
Conference ID: Ex. 6 Personal Privacy (PP)
Meeting Organizer
Erik Peterson, USEPA (206) 553-6382 office

To: Peterson, Erik[Peterson.Erik@epa.gov]
Cc: Allnutt, David[Allnutt.David@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 6/7/2019 9:14:44 PM (UTC)
Subject: Pebble Mine - Binder contents part 1
[Table of Contents.docx](#)
[DEIS Executive Summary excerpts.pdf](#)
[Memo CWA section 404\(c\) regs 06-26-2018.pdf](#)
[Decision to suspend withdrawal process.pdf](#)
[Press release for suspending withdrawal process.pdf](#)
[FR notice to propose to withdraw PD.pdf](#)

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

To: Wheeler, Andrew[wheeler.andrew@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Thomas Allen[thomas@markeallenlaw.com]
Sent: Wed 3/20/2019 7:56:59 PM (UTC)
Subject: Tom Allen - Pebble Mine and Veto

Hello all,
Should I be expecting a response from any of you by email or mail?
Thank you,
Tom Allen

Thomas D. Allen

Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126

Liberty, Missouri 64069

Phone: Ex. 6 Personal Privacy (PP)

Fax: (816) 781-3054

Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.

Fridays: By appointment only

To: Allnutt, David[Allnutt.David@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Schofield, Kate[Schofield.Kate@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 11/27/2018 2:12:26 PM (UTC)
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

David – I have not heard anything else regarding this effort since the initial flurry of emails. I will ask around and let you know if I hear anything.

From: Allnutt, David
Sent: Monday, November 26, 2018 8:27 PM
To: Hough, Palmer ; Nalven, Heidi ; Palomaki, Ashley ; Steiner-Riley, Cara
Cc: Wehling, Carrie ; Schofield, Kate ; Peterson, Erik
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Palmer – has the scoping team for this been convened yet? Agree that R10 should be one of the “information owners.” The person I assign to this may vary depending on how the response is scoped.

Ex. 5 Deliberative Process (DP)



R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

From: Hough, Palmer
Sent: Thursday, November 15, 2018 9:45 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi
Thanks for sharing this is helpful. Since the BBWA was a joint effort among ORD, R10 and OW, it sounds like the “information owners” to be included on the scoping team needs to include reps from ORD, R10 and OW correct?
-Palmer

From: Nalven, Heidi
Sent: Thursday, November 15, 2018 12:40 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment
FYI.

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 12:10 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment
Carrie,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP)

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Wehling, Carrie

Sent: Thursday, November 15, 2018 11:58 AM

To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Simons, Andrew <Simons.Andrew@epa.gov>

Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Thanks, Tracy. I have not seen many of these. Can you summarize the process for me? Thanks.

Carrie

Caroline (Carrie) Wehling

Assistant General Counsel

Water Law Office

U.S. Environmental Protection Agency

Washington DC 20004

202-564-5492

wehling.carrie@epa.gov

From: Sheppard, Tracy

Sent: Thursday, November 15, 2018 11:50 AM

To: Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi,

Thanks for the heads up. I will make sure that you are including on the scoping team for the this RFC.

Tracy L. Sheppard, Attorney-Advisor,

US EPA, Office of General Counsel

Sheppard.Tracy@epa.gov

(202) 564-1305 office

Ex. 6 Personal Privacy (PP)

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Nalven, Heidi

Sent: Thursday, November 15, 2018 11:47 AM

To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Hi Tracy – I just wanted to provide you a heads up on the attached IQA petition. I am sure we will be following up with questions.

Thanks,

Heidi

Heidi Nalven

U.S. EPA Office of General Counsel

202-564-3189

From: Hough, Palmer

Sent: Thursday, November 15, 2018 9:06 AM

To: Allnutt, David <Allnutt.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>;

Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>;

Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>;

Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne

<Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Folks:

Yesterday, the Competitive Enterprise Institute submitted a request for EPA to “either substantially correct or withdraw its 2014 Bristol Bay Watershed Assessment (BBWA) and the proposed determination based upon it.” Their letter states that “[t]he BBWA fails the applicable standards of information quality” and that “[i]ts ongoing dissemination and use to effectively block the Pebble Mine project in Alaska is therefore in violation of the law.”

I’m not sure what the next steps are but wanted folks to be aware.

-Palmer

To: Hough, Palmer[Hough.Palmer@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]
From: Skadowski, Suzanne[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Fri 11/16/2018 4:49:23 PM (UTC)
Subject: FYI ONLY -- Media Inquiry on Competitive Enterprise Institute letter to EPA
FW: IQA Petition - Bristol Bay Watershed Assessment

FYI ONLY -- we received a media inquiry on the CEI letter, after they issued a news release on it.

Suzanne Skadowski

Public Affairs Specialist | Media Relations

U.S. Environmental Protection Agency

Region 10 Pacific Northwest - Seattle

O: 206-553-2160 Ex. 6 Personal Privacy (PP)

Follow us on Twitter! @EPAnorthwest

Like us on Facebook! @eparegion10

From: Skadowski, Suzanne

Sent: Friday, November 16, 2018 8:45 AM

To: Lynn, Tricia ; Holsman, Marianne

Cc: Hewitt, James ; Press ; Drinkard, Andrea

Subject: RE: CEI press release on Bristol Bay

Our most recent statement is below, plus background info as needed. Note: checking through my emails, we sent this statement to this Seeking Alpha reporter in August.

Also attached is the email Palmer Hough shared with us yesterday, via John Goodin, when OW learned of the Competitive Enterprise Institute letter to EPA.

Looping in Andrea here too.

Statement

The U.S. Army Corps of Engineers is reviewing a Clean Water Act permit application from the Pebble Limited Partnership and has started the Environmental Impact Statement (EIS) process under the National Environmental Policy Act. The Corps is the lead agency to develop the EIS, and at the request of the Corps, EPA is working as a cooperating agency. The Corps held a scoping public comment period from April 1, 2018 through June 29, 2018. For more information on the permit status, please contact the Army Corps or visit the [Pebble Project EIS website](#).

Background

(Info from our withdrawal suspension press release in January) In 2014, EPA issued a [Clean Water Act Section 404\(c\) Proposed Determination](#) that would, if finalized, restrict the discharge of dredged or fill material in the Bristol Bay watershed related to mining the Pebble copper and gold deposit. In a [May 11, 2017, settlement agreement](#) resolving outstanding lawsuits between EPA and the Pebble Limited Partnership, EPA agreed to initiate a process to propose to withdraw the Proposed Determination by July 11, 2017. In July-October 2017, EPA solicited public comment on whether to withdraw the Proposed Determination, and whether the Administrator should review the withdrawal decision if such a decision is made. After hearing directly from stakeholders and the people of Alaska, EPA suspended its process to withdraw the Proposed Determination, leaving it in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. EPA intends to solicit additional public comment on the impact of the Pebble Limited Partnership's December 2017 mining application on the existing Proposed Determination.

Suzanne Skadowski

Public Affairs Specialist | Media Relations

U.S. Environmental Protection Agency

Region 10 Pacific Northwest - Seattle

O: 206-553-2160 Ex. 6 Personal Privacy (PP)

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Like us on Facebook! @eparegion10

From: Skadowski, Suzanne

Sent: Friday, November 16, 2018 7:56 AM

To: Lynn, Tricia <lynn.tricia@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>

Cc: Hewitt, James <hewitt.james@epa.gov>; Press <Press@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>

Subject: Re: CEI press release

We have a desk statement on our current status/role in the project NEPA process we've used for recent public and news inquiries. I'll dig it out when I'm back at my desk.

Suzanne Skadowski

U.S. Environmental Protection Agency

Pacific Northwest Region 10

206-553-2160 Office

Ex. 6 Personal Privacy (PP) Mobile

On Nov 16, 2018, at 7:50 AM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

Our Bristol Bay team is aware of this, including OW managers. OW fwd the CEI petition to R10 as an FYI. Not sure if they looped in their OW comms. I can circle back around with the team to see if we have a response. Doubtful though.

Suzanne Skadowski

U.S. Environmental Protection Agency

Pacific Northwest Region 10

206-553-2160 Office

Ex. 6 Personal Privacy (PP) Mobile

On Nov 16, 2018, at 7:31 AM, Lynn, Tricia <lynn.tricia@epa.gov> wrote:

He typically writes for Seeking Alpha.

From: Hewitt, James

Sent: Friday, November 16, 2018 10:27 AM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>

Cc: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Dunbar, Bill <dunbar.bill@epa.gov>; Press <Press@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>

Subject: RE: CEI press release

Who is this reporter with? Ex. 5 Deliberative Process (DP)

From: Holsman, Marianne

Sent: Friday, November 16, 2018 10:24 AM

To: Lynn, Tricia <lynn.tricia@epa.gov>

Cc: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Dunbar, Bill <dunbar.bill@epa.gov>; Press <Press@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>

Subject: Re: CEI press release

Hi Tricia:

Suzanne Skadowski is our press officer for Bristol Bay.

Also, Ex. 5 Deliberative Process (DP) We should include Andrea and Allison.

We've already missed his deadline, but we should collectively develop a statement because we'll get more queries on this.

We'll work w/OW and get something circulating.

Marianne Holsman

Mobile: Ex. 6 Personal Privacy (PP)

Sent from my iPhone, please excuse impolite brevity, typos and other embarrassing errors

On Nov 16, 2018, at 5:34 AM, Lynn, Tricia <lynn.tricia@epa.gov> wrote:

Sending to R10 for response per Nancy G.

Thank you!

From: paulklebo Ex. 6 Personal Privacy (PP)

Sent: Thursday, November 15, 2018 11:33 PM

To: Press <Press@epa.gov>

Subject: Fwd: CEI press release

Dear EPA,

I would like to request an official EPA comment on the below press release from CEI. Does EPA have a stance? Is there a time frame that we can expect a response from the EPA? If I can please request a response by tomorrow morning at 9am EST, I'd appreciate it. Thanks.

Paul Lebo

Sent from my iPhone

https://cei.org/sites/default/files/RFC_20181114_Bristol_Bay.pdf

>
>
>
>
>
>
>

To: Hough, Palmer[Hough.Palmer@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Nogi, Jill[nogi.jill@epa.gov]
From: Anderson-Carnahan, Linda[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: Thur 8/16/2018 8:41:31 PM (UTC)
Subject: RE: Draft CMS - COMPLEX - 18-000-9804

We've had quite a discussion on this very topic. **Ex. 5 Deliberative Process (DP)**

Linda Anderson-Carnahan
Associate Director
Office of Environmental Review and Assessment
US EPA Region 10
Suite 155
1200 Sixth Ave
Seattle Wa, 98101
Office: (206) 553-2601
Cell: **Ex. 6 Personal Privacy (PP)**

-----Original Message-----
From: Hough, Palmer
Sent: Thursday, August 16, 2018 1:35 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>
Subject: RE: Draft CMS - COMPLEX - 18-000-9804

Erik

Ex. 5 Deliberative Process (DP)

-Palmer

-----Original Message-----
From: Peterson, Erik
Sent: Wednesday, August 15, 2018 8:21 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>
Subject: FW: Draft CMS - COMPLEX - 18-000-9804

Ashley, Palmer, Brittany and Heidi,

Please see the attached draft CMS response to correspondence 18-000-9804. If you have any issues with the attached draft please share them with myself, Jill Nogi and Linda Anderson-Carnahan. I am out for an external meeting 8/16 and on leave 8/17. My phone is forwarded.

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

-----Original Message-----
From: Peterson, Erik
Sent: Wednesday, August 15, 2018 5:14 PM
To: Kelly, Christine M <kelly.christinem@epa.gov>

Cc: Padilla, Jocelyn B. <padilla.jocelyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Gahner, Pamela <gahner.pamela@epa.gov>
Subject: CMS - COMPLEX - 18-000-9804

Christine and all:

A draft response to CMS 18-000-9804 is attached and is saved to the G drive at the following address **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

G:\Baker\CMS\OERA\Bristol Bay - CMS\2018\18-000-9804_Pebble Project - 404c

Thank you Christine for making an extension request and thank you all **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

-----Original Message-----
From: Gahner, Pamela
Sent: Wednesday, August 15, 2018 2:28 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Padilla, Jocelyn B. <padilla.jocelyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Kelly, Christine M <kelly.christinem@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: Re: CMS de-control question: 18-000-9804

Hi Erik,
I'm home I'll today so I cannot recall each of these letters.

Ex. 5 Deliberative Process (DP)

I will be in the office Thursday and can look further into this if you want to stop by.

Pam Gahner
Sent from my iPhone

> On Aug 15, 2018, at 1:58 PM, Peterson, Erik <Peterson.Erik@epa.gov> wrote:
>
> Marianne, Pam and Jocelyn,
>
> I'm writing to ask about CMS 18-000-9804.
>
> As the Bristol Bay 404(c) project manager, I manage a number of Pebble related CMSs. Many of the incoming CMSs regarding Pebble are categorized as FYI. I've attached two recent CMSs on Pebble that were categorized as FYI, see 6860 and 6107. In my view **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

> G:\Baker\CMS\OERA\Bristol Bay - CMS\2018

> Erik Peterson, NEPA Reviewer
> U.S. EPA, Region 10
> 1200 Sixth Avenue, Suite 155
> Seattle, Washington 98101-3140
> (206) 553-6382

> -----Original Message-----

> From: Kelly, Christine M
> Sent: Tuesday, August 14, 2018 3:45 PM
> To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
> Cc: Nogi, Jill <nogi.jill@epa.gov>; Peterson, Erik
> <Peterson.Erik@epa.gov>
> Subject: RE: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804

> Christine Kelly
> EPA- Region 10
> 206-553-2770

> -----Original Message-----

> From: Anderson-Carnahan, Linda
> Sent: Tuesday, August 14, 2018 3:43 PM
> To: Kelly, Christine M <kelly.christinem@epa.gov>
> Cc: Nogi, Jill <nogi.jill@epa.gov>; Peterson, Erik
> <Peterson.Erik@epa.gov>
> Subject: FW: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804

> Can you attach the original letter and routing sheet.

> Linda Anderson-Carnahan
> Associate Director
> Office of Environmental Review and Assessment US EPA Region 10 Suite
> 155
> 1200 Sixth Ave
> Seattle Wa, 98101
> Office: (206) 553-2601
> Cell: Ex. 6 Personal Privacy (PP)

> -----Original Message-----

> From: Pirzadeh, Michelle
> Sent: Tuesday, August 14, 2018 3:06 PM
> To: Gahner, Pamela <gahner.pamela@epa.gov>
> Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Anderson-Carnahan,
> Linda <Anderson-Carnahan.Linda@epa.gov>
> Subject: Re: CMS Extension Request - Christinem Kelly -
> R10-18-000-9804

> I can't see the incoming letter, but it seems we should be able to respond timely. I am adding in Linda AC to weigh in.

>
> Sent from my iPhone
>
>> On Aug 14, 2018, at 12:05 PM, Gahner, Pamela <gahner.pamela@epa.gov> wrote:
>>
>> Michelle and/or Marianne:
>>
>> Is this extension ok to approve in CMS?
>>
>> Pam
>>
>> -----Original Message-----
>> From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
>> Sent: Tuesday, August 14, 2018 12:03 PM
>> To: Gahner, Pamela <gahner.pamela@epa.gov>
>> Subject: CMS Extension Request - Christinem Kelly - R10-18-000-9804
>>
>> An extension request has been made for control R10-18-000-9804 by Christinem Kelly to extend his/her due date from 08/21/2018 to 08/31/2018. The reason given for the request is as follows:
>>
>> Extension needed to accommodate staff travel plans, etc.
>>
>> Please go to the CMS webpage to view the details of the control.
>>
>> Summary Information -
>> Control Number: R10-18-000-9804
>> Control Subject: Pebble Project - 404c
>> From: Stephens, Tim
>>
>>
>> Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.
> <18-000-9804_Control Slip.pdf>
> <18-000-9804_Correspondence.pdf>
> <18-000-6860- Correspondence.MacKinnon.pdf> <18-000-6860.Control Slip.pdf>
> <18-000-6107_Correspondence.pdf> <18-000-6107_Control Slip.pdf>

To: Peterson, Erik[Peterson.Erik@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Wake, Neverley[wake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Lindsay, Andrea[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D10A5A1CA0D74C3894A5980CE3652BDC-LINDSAY, ANDREA]
Sent: Thur 8/30/2018 7:56:52 PM (UTC)
Subject: RE: Bristol Bay 404(c) - Draft Control Response to Thomas Allen

Erik, I took a quick look and made some proposed edits/comments in the sharepoint document. I couldn't figure out how to do redlining, so I used highlights and strikeouts instead. Thanks for the chance to preview. -Andi

Andrea Lindsay | Community Involvement Coordinator | EPA Region 10
lindsay.andrea@epa.gov | 206-553-1896 | 800-424-4372 x1896 | Work Days: Mondays, Thursdays, Fridays
1200 Sixth Avenue, Suite 155, RAD-202, Seattle, WA 98101

From: Peterson, Erik
Sent: Thursday, August 30, 2018 11:43 AM
To: Bennett, Brittany ; Steiner-Riley, Cara ; Nalven, Heidi ; Wehling, Carrie ; Palomaki, Ashley ; Ortiz, Michael ; Skadowski, Suzanne ; Lindsay, Andrea ; Whitley, Annie ; Wake, Neverley ; Hough, Palmer ; Herbst, John
Subject: Bristol Bay 404(c) - Draft Control Response to Thomas Allen
Hello BB 404(c) Team,
Please review and provide feedback on the attached draft response before 12pm PST/3pm EST 8/31. The plan is for R10 Office of Environmental Review and Assessment concurrence on the afternoon of 8/31 and sending to Regional Administrator on 9/4.
Thank you!



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 8/13/2018 11:15:04 PM (UTC)
Subject: RE: Bristol Bay Check-in Agenda for 8/14/18

Thank you Ashley for the update. I will cover FOIA.

And, **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Palomaki, Ashley
Sent: Monday, August 13, 2018 1:27 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay Check-in Agenda for 8/14/18

Hi Erik –

I have a conference call with a federal judge tomorrow morning at 9am so I will not be able to participate in this meeting. Cara is out on vacation this week so I don't think you'll have ORC participation.

I think you have current status of FOIA.

Ex. 5 Deliberative Process (DP)

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik
Sent: Monday, August 13, 2018 12:33 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Douglas, Mark <douglas.mark@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Mendelman, Krista

<Mendelman.Krista@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Detwiler, Susan K. <detwiler.susan@epa.gov>

Subject: Bristol Bay Check-in Agenda for 8/14/18

Hello,

Tomorrow at 9 am PST, 8/1/18, we will have a Bristol Bay check-in with Linda Anderson-Carnahan. Linda is acting for David Allnutt while he is out.

The purpose of these bi-weekly meetings is for the two Bristol Bay Teams - the Permit Oversight/NEPA Review Team and the 404(c) Team – to check-in with each other and with regional management.

Agenda

Preliminary EIS document review

FOIA

De Fazio response

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; Shoemake, Neverley[shoemake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Mon 7/2/2018 7:45:04 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Meeting - 7/3/18

Hello BB 404(c) Team,

I propose that we cancel our call for tomorrow.

Below are a few updates for awareness (thank you Brittany and Ashley). Also, as appropriate, I'll provide more information after the bi-weekly check-in with David Allnutt that will happen at 9 am PST tomorrow.

FOIA

Ex. 5 Deliberative Process (DP)

PLP memo: will share when I have something

QFR: will share when I have something

Western Caucus response in CMS for Lee F.

EPA scoping letter sent 6/29

Pruitt 6/26 memo proposes changes to 404(c) regulations (e.g., requiring Final EA or Final EIS before a notice of proposed determination)

AK Governor 6/29 letter requests Corps to suspend permitting process



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

Appointment

From: Peterson, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: 4/10/2018 7:26:47 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Bennett, Brittany [bennett.brittany@epa.gov]; Ortiz, Michael [Ortiz.Michael@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]; Lindsay, Andrea [Lindsay.Andrea@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]; Wake, Neverley [wake.neverley@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Herbst, John [herbst.john@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]
Subject: Bristol Bay 404(c) Team Weekly Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center;
Start: 4/10/2018 7:30:00 PM
End: 4/10/2018 8:30:00 PM
Show Time As: Tentative

Recurrence: Weekly
every Tuesday from 12:30 PM to 1:30 PM

Agenda

- FOIA
- Options Paper follow-up
- Allnutt check-in prep

→ Join by Phone

Toll number: Ex. 6 Personal Privacy (PP)

Conference ID: Ex. 6 Personal Privacy (PP)

→ Meeting Organizer

Erik Peterson, USEPA (206) 553-6382 office

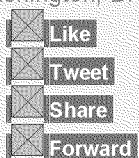
To: Schwab, Justin[Schwab.Justin@epa.gov]
From: EPA Press Office[press@epa.gov]
Sent: Wed 6/26/2019 5:57:12 PM (UTC)
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Ex. 5 Deliberative Process (DP)

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Tentative

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

To: Beveridge, Laura[Beveridge.Laura@epa.gov]; Cherry, Andrew[Cherry.Andrew@epa.gov]; Denawa, Mai[Denawa.Mai@epa.gov]; Feinmark, Phyllis[Feinmark.Phyllis@epa.gov]; Fischer, Lauren[Fischer.Lauren@epa.gov]; Forren, John[Forren.John@epa.gov]; Garnett, Desean[Garnett.Desean@epa.gov]; Ghosh, Mita[Ghosh.Mita@epa.gov]; Hicks, Matt[Hicks.Matthew@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Hughes, Krista[hughes.krista@epa.gov]; Kermish, Laurie[Kermish.Laurie@epa.gov]; Klassman, Debra[klassman.debra@epa.gov]; Knorr, Michele[knorr.michele@epa.gov]; Kopf, Jeff[Kopf.Jeff@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Landers, Timothy[Landers.Timothy@epa.gov]; Lapp, Jeffrey[lapp.jeffrey@epa.gov]; Lazos, Pamela[Lazos.Pamela@epa.gov]; Livingston, Peggy[Livingson.Peggy@epa.gov]; Maher, Lauren[Maher.Lauren@epa.gov]; Mairs, Stephanie[Mairs.Stephanie@epa.gov]; Mikalian, Charles[mikalian.charles@epa.gov]; Moffatt, Brett[Moffatt.Brett@epa.gov]; Muehlberger, Christopher[muehlberger.christopher@epa.gov]; Muller, Sheldon[Muller.Sheldon@epa.gov]; Murdock, Russell[Murdock.Russell@epa.gov]; Nagrani, Kavita[Nagrani.Kavita@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; ODea, Elise[odea.elise@epa.gov]; Pallesen, Reginald A.[pallesen.reginald@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Perkins, Erin[Perkins.Erin@epa.gov]; Przyborski, Jay[Przyborski.Jay@epa.gov]; Rucki, Thomas[Rucki.Thomas@epa.gov]; Saporita, Chris[Saporita.Chris@epa.gov]; Schefski, Melissa[Schefski.Melissa@epa.gov]; Schwartz, Paul[Schwartz.Paul@epa.gov]; Shamet, Stefania[Shamet.Stefania@epa.gov]; Speir, Jeffrey[speir.jeffrey@epa.gov]; Stern, Allyn[Stern.Alynn@epa.gov]; Stokely, Peter[Stokely.Peter@epa.gov]; Sutin, Elyana[Sutin.Elyana@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Topping, Brian[Topping.Brian@epa.gov]; Trevino, Jeffery[trevino.jeffery@epa.gov]; Vinch, James[Vinch.James@epa.gov]; Volk, Everett[volk.everett@epa.gov]; VonVacano, Marcela[VonVacano.Marcela@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Wester, Barbara[wester.barbara@epa.gov]; Williams, Ann[Williams.Ann@epa.gov]
From: Wehling, Carrie/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING
Sent: Tue 7/30/2019 7:15:27 PM (UTC)
Subject: Bristol Bay/Pebble Mine FYI
[image003.png](#)
[ATT00001.htm](#)
[07302019 EPA-R10-OW-2017-0369 Notice to Withdraw Pebble Deposit Area, SW Alaska.pdf](#)
[ATT00002.htm](#)

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Stern, Allyn
Sent: Tuesday, July 30, 2019 11:48 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Brown, Leah <Brown.Leah@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; McGrath, Patricia <m McGrath.patricia@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: Fwd: Signed this morning EPA-R10-OW-2017-0369

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov
Begin forwarded message:

From: "Gahner, Pamela" <gahner.pamela@epa.gov>
Date: July 30, 2019 at 7:56:19 AM PDT
To: "Stern, Allyn" <Stern.Alynn@epa.gov>
Cc: "Hladick, Christopher" <hladick.christopher@epa.gov>, "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>
Subject: Signed this morning EPA-R10-OW-2017-0369

Signed this morning, please see attached.

Sincerely,

To: Stern, Allyn[Stern.Alyn@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Thur 7/25/2019 7:18:42 PM (UTC)
Subject: RE: comms materials for pebble decision

Best way to reach me is my cell, my desk phone is terrible. That number is

Ex. 6 Personal Privacy (PP)

From: Stern, Allyn
Sent: Thursday, July 25, 2019 3:13 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Subject: Re: comms materials for pebble decision

Ok will do. Katherine - I'll give you a call to see what you need.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 25, 2019, at 12:11 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

Allyn – as Carrie indicated in her recent message, Matt and David would like you to help facilitate preparation of comms materials between region and HQ on the upcoming pebble decision. Katherine as I understand is the lead for OGC's front office and they suggested that the two of you coordinate. Thanks!

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

To: Stern, Allyn[Stern.Allyn@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Thur 7/25/2019 7:14:24 PM (UTC)
Subject: RE: comms materials for pebble decision

Great! Thanks all.

From: Stern, Allyn
Sent: Thursday, July 25, 2019 3:13 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Subject: Re: comms materials for pebble decision

Ok will do. Katherine - I'll give you a call to see what you need.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 25, 2019, at 12:11 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

Allyn – as Carrie indicated in her recent message, Matt and David would like you to help facilitate preparation of comms materials between region and HQ on the upcoming pebble decision. Katherine as I understand is the lead for OGC's front office and they suggested that the two of you coordinate. Thanks!

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

To: Stern, Allyn[Stern.Allyn@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Thur 7/25/2019 7:12:42 PM (UTC)
Subject: Bristol Bay Comms

Allyn—David Fotouhi suggested I reach out to you. I'm working with HQ's OCIR & OPA team to coordinate a rollout strategy for the upcoming decision. He mentioned that you may have already started to prepare materials for the rollout and I just want to make sure we're not duplicating efforts.

Best,
Katharine Willey

Ex. 6 Personal Privacy (PP)

To: Stern, Allyn[Stern.Allyn@epa.gov]
Cc: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Connery, Shannon[Connery.Shannon@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Mon 9/10/2018 8:54:43 PM (UTC)
Subject: Bristol Bay Litigation Hold

Ex. 5 Attorney Work Product (AWP)

Hi Allyn –

Ex. 5 Attorney Work Product (AWP)

Let me know if you have any questions.

Thanks!

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 155, ORC-113

Seattle, WA 98101

206-553-8582

To: Willey, Katharine[willey.katharine@epa.gov]
From: Stern, Allyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2E2D6F5DF08D4E9ABBFF2C0880407775-STERN, ALLYN]
Sent: Thur 7/25/2019 7:22:34 PM (UTC)
Subject: Fwd: PD Withdrawal Notice -- draft talking points -- please review!
Bristol Bay PD withdraw DRAFT Talking Points 7-18-ver2.docx
ATT00001.htm

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

Begin forwarded message:

From: "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
Date: July 18, 2019 at 12:02:23 PM PDT
To: "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
Cc: "Stern, Allyn" <Stern.Alyn@epa.gov>, "Allnutt, David" <Allnutt.David@epa.gov>, "Castanon, Lisa" <Castanon.Lisa@epa.gov>, "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Peterson, Erik" <Peterson.Erik@epa.gov>
Subject: PD Withdrawal Notice -- draft talking points -- please review!

Good Afternoon –

Our draft talking points for Matt are attached.

Please let me know if you have any changes before you/we send along to Matt.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: [Ex. 6 Personal Privacy (PP)]
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/31/2019 3:14:33 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 5/31/2019 3:14:33 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

Hey Fletcher, let's lock in June 18 at 3 re Pebble. I will confirm closer to the date the final list of those who will be in attendance, but it currently includes Andy Sabin, Collin O'Mara (NWF), and McKie Campbell. Thanks.

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Wehling.Carrie@epa.gov[Wehling.Carrie@epa.gov]
Sent: Wed 5/1/2019 6:30:12 PM (UTC)
Subject: Re: Tom Allen ?

Agree with Heidi.

Sent from my iPhone

On May 1, 2019, at 2:12 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Did you have a chance to look at the incoming email (see attached document)? It includes statements such as:

“If the EPA is truly participating in NEPA why do we still have a preemptive veto still in place after a clean DEIS? One of the guys who started the petition to bring about the preemptive veto in the first place years ago is now living in another country because of his illegal conduct.”

Ex. 5 Deliberative Process (DP)

From: Neugeboren, Steven
Sent: Wednesday, May 01, 2019 2:05 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Tom Allen ?

Heidi – am I right that Matt has seen and approved this approach? Heidi – let’s touch base on your comments because I’d like to understand the reasons for them.

Thanks.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Nalven, Heidi
Sent: Wednesday, May 1, 2019 1:52 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Tom Allen ?

Hi Rob – Please see my suggested edits below. Heidi

+++++

Dear Mr Allen,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Stachowiak, Robert

Sent: Wednesday, May 01, 2019 11:34 AM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>

Subject: RE: Tom Allen ?

Hi Steve et al. –

Matt emphasized his desire to be responsive to the public, even if that means an interim response. Thus, he would like to send my draft notes tomorrow, once you confirm that you're OK with the content and after your reg review to discuss the context. Now that I'm back in the office, I've attached the actual draft response to this e-mail.

I'll be on stand-by until after your meeting, but please call if you'd like to chat more here.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Neugeboren, Steven

Sent: Wednesday, May 01, 2019 9:24 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Subject: Re: Tom Allen ?

Thanks rob. Let us know what matt says at your 930. My recommendation is to wait a day before sending so we can discuss the larger context at reg review.

Sent from my iPhone

Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

On Apr 30, 2019, at 9:30 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi Steve - to hopefully fill in here:

Ex. 5 Deliberative Process (DP)

In the folder I included the draft responses and a copy of your email in case he had missed it the first time.

I had intended to talk with Matt tomorrow at my weekly at 9:30 to provide this context.

Draft response:

Dear Mr Allen,

Ex. 5 Deliberative Process (DP)

-R

Sent from my iPhone

Begin forwarded message:

From: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Date: April 30, 2019 at 8:35:10 PM EDT
To: "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Cody, Meredith" <cody.meredith@epa.gov>
Cc: "Fotouhi, David" <Fotouhi.David@epa.gov>
Subject: RE: Tom Allen ?

Hi Steve,

Ex. 5 AC/DP

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Neugeboren, Steven
Sent: Tuesday, April 30, 2019 11:53 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Tom Allen ?

Matt – Rob and Cody have passed along your request for a draft response to this email.

This morning I talked this through with Heidi and Carrie. While this is arising in the context of a specific email below

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

So we propose that we discuss this issue and options at hot topics with you on Thursday and take it from there. I propose we include Allyn and her staff as well (if they are willing to get up that early).

Sound ok?

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Stachowiak, Robert
Sent: Monday, April 29, 2019 6:17 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Tom Allen - ?

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Leopold, Matt (OGC)
Sent: Monday, April 29, 2019 5:00 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Mutz, John <mutz.john@epa.gov>
Subject: Fwd: Tom Allen - ?

Hi Rob, do you have a draft for me to review? Thanks

Sent from my iPhone
Begin forwarded message:

From: Thomas Allen <thomas@markeallenlaw.com>
Date: April 29, 2019 at 4:26:36 PM EDT
To: "leopold.matt@epa.gov" <leopold.matt@epa.gov>
Subject: Tom Allen - ?

Mr. Leopold,

Do you intend on responding to my previous emails? I know I have some tough questions. If you can only answer some that would not offend me. Again, you are the expert on these issues, but to me it seems the PD should go.

Respectfully,
Tom Allen

Thomas D. Allen

Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.

Fridays: By appointment only

<Draft response to Messrs Allen and Koblyarz.docx>

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN

Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/10/2019 1:54:21 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Shaw, Carla [Shaw.Carla@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]
Subject: Discuss Pebble Mine Notice
Location: 4020 WJCN
Start: 7/11/2019 7:00:00 PM
End: 7/11/2019 7:30:00 PM
Show Time As: Busy

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: Wed 6/26/2019 6:34:43 PM (UTC)
Subject: FW: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

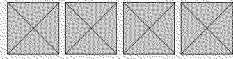
FYI

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

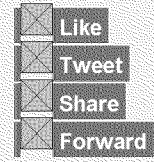
From: EPA Press Office <press@epa.gov>
Sent: Wednesday, June 26, 2019 1:57 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Ex. 5 Deliberative Process (DP)

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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To: [Ex. 6 Personal Privacy (PP)]

Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]

From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]

Sent: Fri 5/10/2019 9:14:24 PM (UTC)

Subject: Pebble Mine - Proposed Determination

Dear Mr Kobylarz,

Matt Leopold asked that I reply on his behalf. Thank you for your email dated April 25, 2019 concerning the Pebble Mine matter. EPA is committed to full consideration of all views with regard to this important matter. He appreciates you taking the time to communicate your concerns and perspectives to him.

Sincerely,

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel

CC: EPA/OGC/Water Law Office

From: Michael Kobylarz [Ex. 6 Personal Privacy (PP)]

Sent: Thursday, April 25, 2019 3:35 PM

To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: Re: Pebble Mine - Proposed Determination

Good afternoon. Just re-sending in case you have not had a chance to read through the e-mail I sent.

Thanks again for your attention.

On Wed, Apr 24, 2019 at 9:29 AM Michael Kobylarz [Ex. 6 Personal Privacy (PP)] wrote:

Good morning.

I am writing to encourage you to remove the Proposed Determination in regards to the Pebble Mine in Alaska.

The ACoE has released the Draft EIS, and there information contained presents no reason for the Proposed Determination to remain. The Draft EIS shows that the issues that caused the Proposed Determination to be put forward in the first place have either been addressed or were never correct from the beginning.

The current administration has made it a stated goal to prevent overreach. The removal of this Proposed Determination would fit into these guidelines. I encourage you to remove this immediately.

Thank you.

Michael Kobylarz

To: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 5/25/2018 7:42:19 PM (UTC)
Subject: FW: Bristol Bay press release

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Fotouhi, David

Sent: Friday, May 25, 2018 3:36 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Subject: Bristol Bay press release

FYI, as mentioned in reg review: <https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay>

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

To: Sheppard, Tracy[Sheppard.Tracy@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Simons, Andrew[Simons.Andrew@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Mon 12/3/2018 5:52:33 PM (UTC)
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Sending as FYI.

From: Nalven, Heidi
Sent: Tuesday, November 27, 2018 4:45 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

It looks like Friday’s meeting with Matt is focused on process, not substance, but wanted to flag two things for your awareness:

Ex. 5 Deliberative Process (DP)

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Hough, Palmer
Sent: Tuesday, November 27, 2018 9:12 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

David – I have not heard anything else regarding this effort since the initial flurry of emails. I will ask around and let you know if I hear anything.

From: Allnutt, David
Sent: Monday, November 26, 2018 8:27 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Palmer – has the scoping team for this been convened yet? Agree that R10 should be one of the “information owners.” The person I assign to this may vary depending on how the response is scoped.

Ex. 5 Deliberative Process (DP)



R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Simons, Andrew[Simons.Andrew@epa.gov]
From: Sheppard, Tracy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=63186A03F8E14015BA94B59C699363FC-SHEPPARD, TRACY]
Sent: Tue 11/27/2018 12:43:39 PM (UTC)
Subject: Re: IQA Petition - Bristol Bay Watershed Assessment

Ex. 5 AC/DP

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP)

mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.
On Nov 26, 2018, at 2:42 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Thanks Tracy. We raised the petition as an FYI at reg review. David Fotouhi was wondering if there are any specific

Ex. 5 AC/DP

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 12:10 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Carrie,

Ex. 5 Deliberative Process (DP)

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP)

mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Wehling, Carrie

Sent: Thursday, November 15, 2018 11:58 AM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Thanks, Tracy. I have not seen many of these. Can you summarize the process for me? Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 11:50 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi,
Thanks for the heads up. I will make sure that you are including on the scoping team for the this RFC.

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office
Ex. 6 Personal Privacy (PP) mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Nalven, Heidi
Sent: Thursday, November 15, 2018 11:47 AM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Hi Tracy – I just wanted to provide you a heads up on the attached IQA petition. I am sure we will be following up with questions.

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Hough, Palmer
Sent: Thursday, November 15, 2018 9:06 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie

<Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Folks:

Yesterday, the Competitive Enterprise Institute submitted a request for EPA to "either substantially correct or withdraw its 2014 Bristol Bay Watershed Assessment (BBWA) and the proposed determination based upon it." Their letter states that "[t]he BBWA fails the applicable standards of information quality" and that "[i]ts ongoing dissemination and use to effectively block the Pebble Mine project in Alaska is therefore in violation of the law."

I'm not sure what the next steps are but wanted folks to be aware.

-Palmer

From: Goodin, John

Sent: Thursday, November 15, 2018 8:49 AM

To: Frazer, Brian <Frazer.Brian@epa.gov>

Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Smith, Bernicel <Smith.Bernicel@epa.gov>

Subject: Fwd: IQA Petition - Bristol Bay Watershed Assessment

Brian— let me know your recommendation for POC. Trust you'll coordinate with the Region and OGC as well. I'd like to send a brief heads up to Lee before Monday too.

Thanks!

John

Sent from my iPhone

Begin forwarded message:

From: "Bahadori, Tina" <Bahadori.Tina@epa.gov>

Date: November 15, 2018 at 8:32:30 AM EST

To: "Goodin, John" <Goodin.John@epa.gov>, "Elleman, Robert" <Elleman.Robert@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Good Morning,

Sharing this for your awareness – I am sure it will eventually work its way through the system.

Thanks,

Tina

From: Kirby, Kevin **On Behalf Of** Quality

Sent: Wednesday, November 14, 2018 5:09 PM

To: Watkins, Stephen <watkins.stephen@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>

Cc: Bahadori, Tina <Bahadori.Tina@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Greetings from IQG Central!

We just had a new Request for Correction submitted today (see below) concerning the Bristol Bay Watershed Assessment. As the primary POCs for your organizations, I am hopeful that you can help me identify the Subject Matter experts for this request. Please let me know who you would like me to include in the Scoping Meeting by next week, Nov. 21.

The NPS and Watershed focus suggest OW as the Information Owners.

Participants in the FR Notice reveal an NCEA colleague (past Director) at the table during the peer review assessment.

Useful links for this RFC petition:

- EPA's website on Bristol Bay: <https://www.epa.gov/bristolbay>
- Federal Register Notice of external peer review meeting:
<https://www.federalregister.gov/documents/2012/07/06/2012-16441/notice-of-the-peer-review-meeting-for-epas-draft-report-entitled-an-assessment-of-potential-mining>

Thanks!

Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Ben Lieberman [<mailto:Ben.Lieberman@cei.org>]
Sent: Wednesday, November 14, 2018 11:54 AM
To: Quality <Quality@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: IQA Petition - Bristol Bay Watershed Assessment

Enclosed is an Information Quality Act Request for Correction regarding the Bristol Bay Watershed Assessment. Do not hesitate to contact me if you need any additional information.

Ben Lieberman
Senior Fellow
Competitive Enterprise Institute
(202) 331-2270

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Tue 6/19/2018 4:28:40 AM (UTC)
Subject: Re: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Sorry. I defer to you and Carrie and am fine with her sending to David and lee.

Sent from my iPhone
Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

On Jun 15, 2018, at 4:24 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Steve – I sent the attached version on to Brittany but she asked me to check in to see if you have anything further. She plans to send it to David and Lee F. at the same time for review.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Nalven, Heidi
Sent: Monday, June 11, 2018 11:23 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

I reviewed an earlier version during a staff review and just reviewed the version attached to your email. I flagged a few accuracy edits and one sentence I had suggested deleting on the earlier draft but the program kept in. As far as David's review, I had understood that OW was planning to share the draft response with Lee and David at the same time (after career management review).

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Neugeboren, Steven
Sent: Monday, June 11, 2018 10:58 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Did we review this when came in Wednesday? Would want to run by David too. thanks.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany

Sent: Wednesday, June 06, 2018 2:14 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>

Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

<Western Caucus Response DRAFT 6.6.18_HN.docx>

To: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 7/24/2018 8:46:36 PM (UTC)
Subject: FW: New control from Rep DeFazio (House T&I) and Sen Carper (Senate EPW)
18-000-9391_DeFazio-Carper_July 2018.pdf

FYI.

From: Hough, Palmer
Sent: Tuesday, July 24, 2018 4:44 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>
Subject: New control from Rep DeFazio (House T&I) and Sen Carper (Senate EPW)

Heidi

Attached is a new Congressional from Rep DeFazio (House T&I) and Sen Carper (Senate EPW) that is primarily focused on the proposed 404c rulemaking but also asks questions about Pebble.

We are working on language to respond to the Pebble related questions (i.e., #3a-c) but I would like to get your perspective on how to approach questions 1 and 2 which deal with the rulemaking.

Cc'ing Erik and Ashley so they are aware of the letter

-Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

To: Beveridge, Laura[Beveridge.Laura@epa.gov]; Cherry, Andrew[Cherry.Andrew@epa.gov]; Denawa, Mai[Denawa.Mai@epa.gov]; Feinmark, Phyllis[Feinmark.Phyllis@epa.gov]; Fischer, Lauren[Fischer.Lauren@epa.gov]; Forren, John[Forren.John@epa.gov]; Garnett, Desean[Garnett.Desean@epa.gov]; Ghosh, Mita[Ghosh.Mita@epa.gov]; Hicks, Matt[Hicks.Matthew@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Hughes, Krista[hughes.krista@epa.gov]; Kermish, Laurie[Kermish.Laurie@epa.gov]; Klassman, Debra[klassman.debra@epa.gov]; Knorr, Michele[Knorr.Michele@epa.gov]; Kopf, Jeff[Kopf.Jeff@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Landers, Timothy[Landers.Timothy@epa.gov]; Lapp, Jeffrey[lapp.jeffrey@epa.gov]; Lazos, Pamela[Lazos.Pamela@epa.gov]; Livingston, Peggy[Livingson.Peggy@epa.gov]; Maher, Lauren[Maher.Lauren@epa.gov]; Mairs, Stephanie[Mairs.Stephanie@epa.gov]; Mikalian, Charles[mikalian.charles@epa.gov]; Moffatt, Brett[Moffatt.Brett@epa.gov]; Muehlberger, Christopher[muehlberger.christopher@epa.gov]; Muller, Sheldon[Muller.Sheldon@epa.gov]; Murdock, Russell[Murdock.Russell@epa.gov]; Nagrani, Kavita[Nagrani.Kavita@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; ODea, Elise[odea.elise@epa.gov]; Pallesen, Reginald[pallesen.reginald@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Perkins, Erin[Perkins.Erin@epa.gov]; Przyborski, Jay[Przyborski.Jay@epa.gov]; Rucki, Thomas[Rucki.Thomas@epa.gov]; Saporita, Chris[Saporita.Chris@epa.gov]; Schefski, Melissa[Schefski.Melissa@epa.gov]; Schwartz, Paul[Schwartz.Paul@epa.gov]; Shamet, Stefania[Shamet.Stefania@epa.gov]; Speir, Jeffrey[speir.jeffrey@epa.gov]; Stern, Allyn[Stern.Alyn@epa.gov]; Stokely, Peter[Stokely.Peter@epa.gov]; Sutin, Elyana[Sutin.Elyana@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Topping, Brian[Topping.Brian@epa.gov]; Trevino, Jeffery[trevino.jeffery@epa.gov]; Vinch, James[Vinch.James@epa.gov]; Volk, Everett[volk.everett@epa.gov]; VonVacano, Marcela[VonVacano.Marcela@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Wester, Barbara[wester.barbara@epa.gov]; Williams, Ann[Williams.Ann@epa.gov]
From: Wehling, Carrie/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING
Sent: Tue 7/30/2019 7:15:27 PM (UTC)
Subject: Bristol Bay/Pebble Mine FYI
[image003.png](#)
[ATT00001.htm](#)
[07302019 EPA-R10-OW-2017-0369 Notice to Withdraw Pebble Deposit Area, SW Alaska.pdf](#)
[ATT00002.htm](#)

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Stern, Allyn
Sent: Tuesday, July 30, 2019 11:48 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Brown, Leah <Brown.Leah@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; McGrath, Patricia <m McGrath.patricia@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: Fwd: Signed this morning EPA-R10-OW-2017-0369

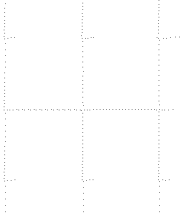
Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov
Begin forwarded message:

From: "Gahner, Pamela" <gahner.pamela@epa.gov>
Date: July 30, 2019 at 7:56:19 AM PDT
To: "Stern, Allyn" <Stern.Alyn@epa.gov>
Cc: "Hladick, Christopher" <hladick.christopher@epa.gov>, "Pirzadeh, Michelle" <Pirzadeh.Michelle@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>
Subject: Signed this morning EPA-R10-OW-2017-0369

Signed this morning, please see attached.

Sincerely,

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Fotouhi, David[fotouhi.david@epa.gov]; Steven Neugeboren[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Thur 5/16/2019 3:15:10 AM (UTC)
Subject: Bristol followup



Hi, Matt. Thanks for inviting us to the meeting today; it was helpful for us since some of that was new to us.

Some of the statements made by Pebble representatives were lacking context so if you have questions or would like us to followup with “ground truthing” any of the issues raised, we’d be happy to do so. Just let us know.

Thanks.

Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Wed 5/1/2019 6:30:16 PM (UTC)
Subject: Re: Tom Allen ?

Agree with Heidi.

Sent from my iPhone

On May 1, 2019, at 2:12 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Did you have a chance to look at the incoming email (see attached document)? It includes statements such as:

“If the EPA is truly participating in NEPA why do we still have a preemptive veto still in place after a clean DEIS? One of the guys who started the petition to bring about the preemptive veto in the first place years ago is now living in another country because of his illegal conduct.”

Ex. 5 Deliberative Process (DP)

From: Neugeboren, Steven
Sent: Wednesday, May 01, 2019 2:05 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Tom Allen ?

Heidi – am I right that Matt has seen and approved this approach? Heidi – let’s touch base on your comments because I’d like to understand the reasons for them.

Thanks.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Nalven, Heidi
Sent: Wednesday, May 1, 2019 1:52 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Tom Allen ?

Hi Rob – Please see my suggested edits below. Heidi

+++++

Dear Mr Allen,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Stachowiak, Robert

Sent: Wednesday, May 01, 2019 11:34 AM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>

Subject: RE: Tom Allen ?

Hi Steve et al. –

Matt emphasized his desire to be responsive to the public, even if that means an interim response. Thus, he would like to send my draft notes tomorrow, once you confirm that you're OK with the content and after your reg review to discuss the context. Now that I'm back in the office, I've attached the actual draft response to this e-mail.

I'll be on stand-by until after your meeting, but please call if you'd like to chat more here.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Neugeboren, Steven

Sent: Wednesday, May 01, 2019 9:24 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

Subject: Re: Tom Allen ?

Thanks rob. Let us know what matt says at your 930. My recommendation is to wait a day before sending so we can discuss the larger context at reg review.

Sent from my iPhone

Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

On Apr 30, 2019, at 9:30 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi Steve - to hopefully fill in here:

Ex. 5 Deliberative Process (DP)

In the folder I included the draft responses and a copy of your email in case he had missed it the first time.

I had intended to talk with Matt tomorrow at my weekly at 9:30 to provide this context.

Draft response:

Dear Mr Allen,

Ex. 5 Deliberative Process (DP)

-R

Sent from my iPhone

Begin forwarded message:

From: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Date: April 30, 2019 at 8:35:10 PM EDT
To: "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Cody, Meredith" <cody.meredith@epa.gov>
Cc: "Fotouhi, David" <Fotouhi.David@epa.gov>
Subject: RE: Tom Allen ?

Hi Steve,

Ex. 5 AC/DP

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Neugeboren, Steven
Sent: Tuesday, April 30, 2019 11:53 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Tom Allen ?

Matt – Rob and Cody have passed along your request for a draft response to this email.

This morning I talked this through with Heidi and Carrie. While this is arising in the context of a specific email below:

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

So we propose that we discuss this issue and options at hot topics with you on Thursday and take it from there. I propose we include Allyn and her staff as well (if they are willing to get up that early).

Sound ok?

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Stachowiak, Robert
Sent: Monday, April 29, 2019 6:17 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Tom Allen - ?

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Leopold, Matt (OGC)
Sent: Monday, April 29, 2019 5:00 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Mutz, John <mutz.john@epa.gov>
Subject: Fwd: Tom Allen - ?

Hi Rob, do you have a draft for me to review? Thanks

Sent from my iPhone
Begin forwarded message:

From: Thomas Allen <thomas@markeallenlaw.com>
Date: April 29, 2019 at 4:26:36 PM EDT
To: "leopold.matt@epa.gov" <leopold.matt@epa.gov>
Subject: Tom Allen - ?

Mr. Leopold,

Do you intend on responding to my previous emails? I know I have some tough questions. If you can only answer some that would not offend me. Again, you are the expert on these issues, but to me it seems the PD should go.

Respectfully,
Tom Allen

Thomas D. Allen

Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.
Fridays: By appointment only

<Draft response to Messrs Allen and Koblyarz.docx>

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Mon 4/29/2019 1:04:20 PM (UTC)
Subject: RE: Pebble Mine - Proposed Determination

Yes, Heidi is on it.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven
Sent: Sunday, April 28, 2019 6:03 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Pebble Mine - Proposed Determination

Carrie and Heidi – assume you are looking into this. you can just copy me on your response to Meredith. Thanks.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Cody, Meredith
Sent: Friday, April 26, 2019 8:44 AM
To: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: FW: Pebble Mine - Proposed Determination

Good morning,

Matt has asked Rob and me to work on a draft response for emails like the one below. Rob suggested that I reach out to you to find out if there is a docket or formal mechanism for collecting and responding to emails such as these, and whether you can advise on a proper response?

Thanks,
Meredith

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

From: Leopold, Matt (OGC)
Sent: Thursday, April 25, 2019 4:13 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: Pebble Mine - Proposed Determination

Hi Rob/Meredith,

Could you work together to draft a response for these types of emails.

Thanks, Matt

Matthew Z. Leopold

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Michael Kobylarz [Ex. 6 Personal Privacy (PP)]

Sent: Thursday, April 25, 2019 3:35 PM

To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: Re: Pebble Mine - Proposed Determination

Good afternoon. Just re-sending in case you have not had a chance to read through the e-mail I sent.

Thanks again for your attention.

On Wed, Apr 24, 2019 at 9:29 AM Michael Kobylarz [Ex. 6 Personal Privacy (PP)] wrote:
Good morning.

I am writing to encourage you to remove the Proposed Determination in regards to the Pebble Mine in Alaska.

The ACoE has released the Draft EIS, and there information contained presents no reason for the Proposed Determination to remain. The Draft EIS shows that the issues that caused the Proposed Determination to be put forward in the first place have either been addressed or were never correct from the beginning.

The current administration has made it a stated goal to prevent overreach. The removal of this Proposed Determination would fit into these guidelines. I encourage you to remove this immediately.

Thank you.

Michael Kobylarz

To: Nalven, Heidi[Nalven.Heidi@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Tue 5/29/2018 1:30:19 PM (UTC)
Subject: RE: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")

Looks good to me. Thanks, Heidi.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Nalven, Heidi
Sent: Tuesday, May 29, 2018 9:26 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")
Sensitivity: Confidential

Steve – I think David’s addition **Ex. 5 AC/DP** I think this sentence is potentially problematic:

Ex. 5 AC/DP

Are you okay with me sending these options forward?

From: Neugeboren, Steven
Sent: Saturday, May 26, 2018 2:53 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")
Importance: High
Sensitivity: Confidential

Thought? **Ex. 5 AC/DP**
Ex. 5 AC/DP

Steve Neugeboren

Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David
Sent: Friday, May 25, 2018 4:24 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")
Importance: High
Sensitivity: Confidential

Please take a look at my revisions tracked in the attached file and let me know your reactions. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) Thanks.

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Forsgren, Lee
Sent: Tuesday, May 22, 2018 4:36 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")
Importance: High
Sensitivity: Confidential

David,

Since Heidi took direct aim at my edits to the QFRs I will defer to you how v **Ex. 5 Deliberative Process (DP)** it

Ex. 5 Deliberative Process (DP)

Lee

From: Fontaine, Tim
Sent: Tuesday, May 22, 2018 3:31 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: FW: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")
Importance: High
Sensitivity: Confidential

Lee,

OGC has offered comments on three Calvert QFRs. Thought you would want to see the revisions. We will hold these until you have had a chance to review.

Tim Fontaine
EPA Office of Water
(202) 564-0318

From: Woods, Terry
ED_002890_00164851-00002

Bristol Bay/Pebble Mine 2019 FOIAs_Production007

Sent: Tuesday, May 22, 2018 2:16 PM
To: Fontaine, Tim <Fontaine.Tim@epa.gov>
Cc: Drummond, Laura <Drummond.Laura@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>; King, RyanM <King.RyanM@epa.gov>
Subject: FW: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")
Importance: High
Sensitivity: Confidential

Hi Tim.....

Sorry here is the file. Thank you!

..•'`•..><(((0> ..•'`•..><(((0>..•'`•..><(((0>..•'`•..

Terry Woods
Office of Water
Resource Management Staff
202-564-0326

From: Grams, Bradley
Sent: Tuesday, May 22, 2018 10:08 AM
To: Drummond, Laura <Drummond.Laura@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>; King, RyanM <King.RyanM@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Villanueva, Edna <Villanueva.Edna@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>
Subject: OGC QFR Return w/ Comments: CAL 028-032 ("Clean Water Act Preemptive Vetoes")
Importance: High
Sensitivity: Confidential

Hello OW Colleagues:

OGC just returned CAL 028-032 to the NPM with re-writes for consideration (see attached), as well as additional legal advice, and I asked that I re-clear with the Program.

Ex. 5 AC/DP

In this case, OW can provide additional re-writes in the context of the comments provided, or approve of OGC language "as is;" however, in either case, I need confirmation from the NPM.

Thanks so much!

Cheers,

Bradley R. Grams, Senior Media Analyst
Multi-Media Analysis Staff, Office of Budget
Office of the Chief Financial Officer

U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (Mail Code: 2732A)
Washington, D.C. 20460

P: +1 (202) 564-2692
F: +1 (202) 564-1842
E: grams.bradley@epa.gov

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Mon 6/25/2018 3:47:22 PM (UTC)
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Think we only use CTS for briefs....so I would say send directly.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Nalven, Heidi
Sent: Monday, June 25, 2018 11:00 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Should this go through CTS on our end or just send it to David directly? Or both?

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Frazer, Brian
Sent: Friday, June 22, 2018 3:04 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi Heidi,

Attached, find the final draft Bristol Bay, Gosar/Congressional Western Caucus response letter for David F's review. We have uploaded the letter to CMS, however, it will be on hold until Lee and David's review.

Let us know if there's any questions or concerns.

Thanks.

bf

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany

Sent: Wednesday, June 06, 2018 2:14 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>

Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

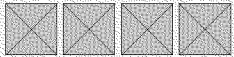
Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

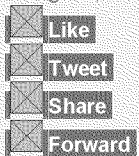
To: Wheeler, Andrew[wheeler.andrew@epa.gov]
From: EPA Press Office[press@epa.gov]
Sent: Wed 6/26/2019 5:57:12 PM (UTC)
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Ex. 5 Deliberative Process (DP)

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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To: Wheeler, Andrew[wheeler.andrew@epa.gov]
From: Thomas Allen[thomas@markeallenlaw.com]
Sent: Fri 3/8/2019 9:45:57 PM (UTC)
Subject: Tom Allen

Mr. Wheeler,

Do you plan on recusing yourself over the pebble mine or are you okay to stay on as far as conflicts go? I know you used to work for a firm who had ties to pebble, but it is my understanding that you never did, so you shouldn't have to recuse yourself if I am correct. I hope to hear something from you soon.

Be well,
Tom

Sent from my iPhone

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/16/2019 9:36:17 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
Subject: Pebble Mine Discussion
Location: 4020 WJCN
Start: 7/17/2019 8:00:00 PM
End: 7/17/2019 8:30:00 PM
Show Time As: Busy

Appointment

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 7/16/2019 9:36:16 PM
To: Voyles, Travis [Voyles.Travis@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
Subject: Pebble Mine Discussion
Location: 4020 WJCN
Start: 7/17/2019 8:00:00 PM
End: 7/17/2019 8:30:00 PM
Show Time As: Tentative

To: Rodrick, Christian[rodrick.christian@epa.gov]
From: willey.katharine@epa.gov[willey.katharine@epa.gov]
Sent: Mon 7/29/2019 7:47:40 PM (UTC)
Subject: Fwd: Bristol Bay / Pebble Mine -- draft communications plan
Bristol Bay PD withdraw 404q letters Comms Plan 7-25-19.docx
ATT00001.htm

Begin forwarded message:

From: "Willey, Katharine" <willey.katharine@epa.gov>
Date: July 25, 2019 at 5:08:54 PM EDT
To: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Voyles, Travis" <Voyles.Travis@epa.gov>
Subject: FW: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 4:13 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 1:12 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Bristol Bay / Pebble Mine -- draft communications plan

Hi Katherine,

Allyn Stern asked me to send you our draft communications plan for Bristol Bay / Pebble Mine upcoming actions – it's attached.

Please let me know if you have any questions.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: willey.katharine@epa.gov[willey.katharine@epa.gov]
Sent: Thur 7/25/2019 6:57:59 PM (UTC)
Subject: Re: Bristol Bay comms

Will do. Thanks.

> On Jul 25, 2019, at 2:50 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:
>
> I've heard that R10 has prepared some comms materials. Could you reach out to Allyn Stern, the RC
in R10, to ensure we're coordinated and not duplicating efforts? Thanks!
>
> Sent from my iPhone

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/16/2019 9:36:17 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]

Subject: Pebble Mine Discussion
Location: 4020 WJCN

Start: 7/17/2019 8:00:00 PM
End: 7/17/2019 8:30:00 PM
Show Time As: Busy

To: Willey, Katharine[willey.katharine@epa.gov]
From: Voyles, Travis[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C2B6C0D5FF046E7809F8CAB2913BC48-VOYLES, TRA]
Sent: Fri 7/19/2019 4:30:11 PM (UTC)
Subject: FW: DRAFT Factsheet
Edits to DRAFT factsheet regarding: **Ex. 5 Deliberative Process (DP)**

Travis Voyles
Ex. 6 Personal Privacy (PP)

From: Abboud, Michael
Sent: Friday, July 19, 2019 11:51 AM
To: Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: FW: DRAFT Factsheet

From: Abboud, Michael
Sent: Wednesday, June 26, 2019 12:03 PM
To: McFaul, Jessica <mcfaul.jessica@epa.gov>; Konkus, John <konkus.john@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David
Sent: Tuesday, June 25, 2019 3:58 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

Happy to discuss further; thanks!
David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Abboud, Michael
Sent: Tuesday, June 25, 2019 6:53 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: Re: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Jun 24, 2019, at 8:13 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Thanks, Mike.

Ex. 5 Deliberative Process (DP)

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Abboud, Michael

Sent: Monday, June 24, 2019 6:05 PM

To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>

Subject: DRAFT Factsheet

Ex. 5 Deliberative Process (DP)

Michael Abboud

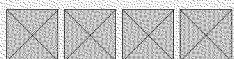
U.S. Environmental Protection Agency
Office of Public Affairs

M: Ex. 6 Personal Privacy (PP)

To: Willey, Katharine[willey.katharine@epa.gov]
From: EPA Press Office[press@epa.gov]
Sent: Wed 6/26/2019 5:57:12 PM (UTC)
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Ex. 5 Deliberative Process (DP)

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To: Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Mon 7/29/2019 7:48:45 PM (UTC)
Subject: Fwd: Bristol Bay / Pebble Mine -- draft communications plan
Bristol Bay PD withdraw 404q letters Comms Plan 7-25-19.docx
ATT00001.htm

Begin forwarded message:

From: "Willey, Katharine" <willey.katharine@epa.gov>
Date: July 29, 2019 at 3:47:42 PM EDT
To: "Rodrick, Christian" <rodrick.christian@epa.gov>
Subject: Fwd: Bristol Bay / Pebble Mine -- draft communications plan

Begin forwarded message:

From: "Willey, Katharine" <willey.katharine@epa.gov>
Date: July 25, 2019 at 5:08:54 PM EDT
To: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Voyles, Travis" <Voyles.Travis@epa.gov>
Subject: FW: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 4:13 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 1:12 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Bristol Bay / Pebble Mine -- draft communications plan

Hi Katherine,

Allyn Stern asked me to send you our draft communications plan for Bristol Bay / Pebble Mine upcoming actions – it's attached.

Please let me know if you have any questions.

Thank you!

Suzanne

Suzanne Skadowski

Public Affairs Specialist | Media Relations

U.S. Environmental Protection Agency

Region 10 Pacific Northwest - Seattle

*O: 206-553-2160 C: **Ex. 6 Personal Privacy (PP)***

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Like us on Facebook! [@eparegion10](#)

To: Rodrick, Christian[rodrick.christian@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Mon 7/29/2019 7:47:42 PM (UTC)
Subject: Fwd: Bristol Bay / Pebble Mine -- draft communications plan
Bristol Bay PD withdraw 404q letters Comms Plan 7-25-19.docx
ATT00001.htm

Begin forwarded message:

From: "Willey, Katharine" <willey.katharine@epa.gov>
Date: July 25, 2019 at 5:08:54 PM EDT
To: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Voyles, Travis" <Voyles.Travis@epa.gov>
Subject: FW: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 4:13 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: RE: Bristol Bay / Pebble Mine -- draft communications plan

From: Skadowski, Suzanne
Sent: Thursday, July 25, 2019 1:12 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Bristol Bay / Pebble Mine -- draft communications plan

Hi Katherine,

Allyn Stern asked me to send you our draft communications plan for Bristol Bay / Pebble Mine upcoming actions – it's attached.

Please let me know if you have any questions.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]
From: Willey, Katharine[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Mon 7/29/2019 5:45:29 PM (UTC)
Subject: RE: FYI ONLY -- E&E News: EPA punts on latest Pebble mine decision

Thanks Suzanne.

Ex. 5 Deliberative Process (DP)

From: Skadowski, Suzanne
Sent: Monday, July 29, 2019 1:44 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Detwiler, Susan K. <detwiler.susan@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Herbst, John <herbst.john@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Godsey, Cindi <Godsey.Cindi@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Murphy, Stacy <Murphy.Stacy@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Risley, David <Risley.David@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>
Cc: Willey, Katharine <willey.katharine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FYI ONLY -- E&E News: EPA punts on latest Pebble mine decision

EPA punts on latest Pebble mine decision

E&E News

July 29, 2019

EPA has eschewed a decadeslong agreement with the Army Corps of Engineers about what to do with permits the agency disagrees with, punting a decision on whether the Pebble mine will have "substantial and unacceptable impacts" to Alaska's premier salmon fishery.

EPA General Counsel Matt Leopold directed the agency last month to consider using a process under Section 404(q) of the Clean Water Act to enter into negotiations with the Army Corps over the permit for the Pebble mine in Alaska's Bristol Bay ([Greenwire](#), July 22).

Under an [agreement](#) signed in 1992, the agency would have had to send the Army Corps' Alaska District a letter Friday containing the specific language that the massive copper and gold extraction project "will have substantial and unacceptable impacts to an Aquatic Resource of National Importance."

But, sources say, Leopold was uncomfortable with that language, and EPA decided against sending the letter by the deadline. Instead, the agency has asked the Army Corps for more time to make a determination about Pebble's impacts, wanting to wait until the Army Corps has decided it's ready to issue a permit for the mine.

The Interior Department's Fish and Wildlife Service, meanwhile, did not miss the opportunity to criticize the proposed mine project.

EPA did not immediately respond to requests for comment.

EPA's move was a departure from what Leopold himself wrote in a [memo](#) last month directing EPA to begin the process of lifting a proposed Clean Water Act "veto" of the project, when he described the 404(q) elevation process as a "well-understood" process that would represent a "significant step toward restoring order to this protracted and uncertain process."

"The elevation procedure is the longstanding, well-understood and agreed-upon process that the agencies have utilized for more than two-decades," he wrote.

Leopold has come under fire for his memo, published last month, because Pebble mine investors appear to have known the move was coming, while environmental groups were left in the dark ([Greenwire](#), July 26).

Though EPA postponed its decision on elevation, FWS, which has a similar agreement with the Army Corps, sent a **letter** Friday invoking the critical "will affect" language and objecting to the Pebble mine draft environmental impact statement.

"The Service is concerned that developing an open pit mine and associated infrastructure at the headwaters of critical salmon habitat could cause permanent adverse impacts to the ecologically important Bristol Bay watershed and its world-class fisheries, and the commercial, recreational and subsistence users that depend on them," FWS wrote. "We believe the project as proposed will have significant adverse impacts on important fish, wildlife and aquatic habitats."

The agency recommended that a permit "not be issued for the project as currently proposed" and specifically took aim at lackluster mitigation and reclamation plans for the mine.

FWS officials and others at Interior have been harsh critics of the Army Corps' environmental review of the Pebble mine.

In comments on the draft EIS, Interior **called** the review "so inadequate that it precludes meaningful analysis."

The agency called on the Army Corps to conduct a supplemental draft environmental impact statement that would "include a more robust discussion of cumulative effects and additional past, present, and reasonably foreseeable actions."

On a press call with reporters last week, the chief of the Army Corps' Alaska District Regulatory Division, David Hobbie, said he is not considering a supplemental draft EIS "at this point." The EIS process, he said, "is all about disclosure."

"What we are trying to do ... in the draft is disclose the potential possibility of all these impacts," he said. "If we have done that accurately and adequately, yeah, we would not try to pull back and do some kind of second draft. We would publish the final."

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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Like us on Facebook! [@eparegion10](https://www.facebook.com/eparegion10)

To: Voyles, Travis[Voyles.Travis@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Thur 7/25/2019 11:44:34 PM (UTC)
Subject: FW: Questions from CNN re Pebble Mine

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David
Sent: Thursday, July 25, 2019 3:55 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Subject: FW: Questions from CNN re Pebble Mine

FYI

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Hackel, Angela
Sent: Thursday, July 25, 2019 3:06 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: RE: Questions from CNN re Pebble Mine

Thanks for your email. I will let OPA management know.
Thanks,
Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Neugeboren, Steven
Sent: Thursday, July 25, 2019 3:04 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: Re: Questions from CNN re Pebble Mine

I just discussed this with Matt and David.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Steven Neugeboren

On Jul 25, 2019, at 2:51 PM, Wehling, Carrie <Wehling.Carrie@epa.gov> wrote:

Copying Allyn who is going to be coordinating with the OGC front office (Katherine Willey) on this and other press matters related to the pending Pebble matters.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Holsman, Marianne
Sent: Thursday, July 25, 2019 2:46 PM
To: Risley, David <Risley.David@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Fuld, John <Fuld.John@epa.gov>
Subject: RE: Questions from CNN re Pebble Mine

That's right, David. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Marianne

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From: Risley, David
Sent: Thursday, July 25, 2019 10:47 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: RE: Questions from CNN re Pebble Mine

My understanding is that OGC is primary on this topics. With that understanding, we were hoping to review any draft you all provide. If my understanding is incorrect, please let me know.

David Risley
EPA Office of Water
Acting Deputy Communications Director
202-343-9177

From: Stachowiak, Robert
Sent: Thursday, July 25, 2019 1:40 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: Questions from CNN re Pebble Mine

Looping in WLO folks for consideration here. Does OW or Region 10 have proposed responses?

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Hackel, Angela
Sent: Thursday, July 25, 2019 1:21 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: Pebble Mine

Hi Robert,

We received the below questions from CNN. Can OGC please advise on how you all would like to respond (I have CC'd in R10 and OW).

Thanks,

Angela

CNN: Pebble Mine
Deadline 2/26: 10 am
Inquiry:

CNN is continuing to follow developments with the permitting of the Pebble Project (Pebble Mine) in Alaska. We have several questions we are submitting to EPA headquarters for a report that could be published as early as tomorrow (Friday July 26, 2019).

*Has the EPA's "proposed determination" under section 404 of the Clean Water Act changed?

*If so, what is the decision and when was it made?

*If the EPA has removed the "determination", who made that decision?

*Upon restoring the special protections for Bristol Bay last year (January 26, 2018), the EPA press release made it clear the Pebble Project could still apply for a permit, but included this statement:

. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable. (January 26, 2018 EPA)

*Does the EPA still believe the permit application must clear a high bar?

*It is clear from the attached letter, region 10 EPA administration Chris Hladick believes the Pebble Project still poses significant risks to the Bristol Bay Watershed and that the Army Corps of Engineers EIS study inadequately addressed the EPA's environmental concerns. Does the EPA leadership share Hladick's concerns?

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: [Ex. 6 Personal Privacy (PP)]

To: Voyles, Travis[Voyles.Travis@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Fri 7/26/2019 6:51:16 PM (UTC)
Subject: FW: PD Withdrawal Notice -- draft talking points -- please review!
Bristol Bay PD withdraw DRAFT Talking Points 7-18-ver2.docx
ATT00001.htm

From: Stern, Allyn
Sent: Thursday, July 25, 2019 3:23 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Subject: Fwd: PD Withdrawal Notice -- draft talking points -- please review!

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov
Begin forwarded message:

From: "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
Date: July 18, 2019 at 12:02:23 PM PDT
To: "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
Cc: "Stern, Allyn" <Stern.Alynn@epa.gov>, "Allnutt, David" <Allnutt.David@epa.gov>, "Castanon, Lisa" <Castanon.Lisa@epa.gov>, "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Peterson, Erik" <Peterson.Erik@epa.gov>
Subject: PD Withdrawal Notice -- draft talking points -- please review!

Good Afternoon –

Our draft talking points for Matt are attached.

Please let me know if you have any changes before you/we send along to Matt.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C:  Ex. 6 Personal Privacy (PP)
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Like us on Facebook! [@eparegion10](https://www.facebook.com/eparegion10)

To: Rodrick, Christian[rodrick.christian@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Tue 7/30/2019 12:17:29 AM (UTC)
Subject: FW: BB Roll Out
Bristol Bay PD withdraw 404q letters Comms Plan 7-29-19v2.docx

FYSA.

From: Skadowski, Suzanne
Sent: Monday, July 29, 2019 5:22 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: BB Roll Out

Good Afternoon!

Ex. 5 Deliberative Process (DP)

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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Like us on Facebook! @eparegion10

From: Palomaki, Ashley
Sent: Monday, July 29, 2019 1:49 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Monday, July 29, 2019 1:20 PM
To: Stern, Allyn <Stern.Allyn@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: BB Roll Out Call

I talked to Ashley and Carrie. I don't think we have the pen anymore.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Stern, Allyn
Sent: Monday, July 29, 2019 4:09 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Re: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 12:58 PM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
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From: Stern, Allyn
Sent: Monday, July 29, 2019 12:57 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: Re: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 12:55 PM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
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From: Stern, Allyn
Sent: Monday, July 29, 2019 12:53 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Fwd: BB Roll Out Call

Ex. 5 Deliberative Process (DP) Also,
just FYI - I won't be in the office tomorrow, but you don't need me for the communications roll out.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov
Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: July 29, 2019 at 12:48:26 PM PDT
To: "Willey, Katharine" <willey.katharine@epa.gov>, "Stern, Allyn" <Stern.Alyn@epa.gov>, "Palomaki, Ashley" <Palomaki.Ashley@epa.gov>, "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
Cc: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Grandinetti, Cami" <Grandinetti.Cami@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>
Subject: RE: BB Roll Out Call

Matt and Chris connected; **Ex. 5 Deliberative Process (DP)** Thanks.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Appointment-----

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Monday, July 29, 2019 11:28 AM
To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David; Drinkard, Andrea; Abboud, Michael; Holsman, Marianne; Grandinetti, Cami; Opalski, Dan
Subject: BB Roll Out Call
When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4304/DC-Ariel-Rios-OGC

Call-in #: Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Mutz, John (Fletcher)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: Mon 8/5/2019 8:12:05 PM (UTC)
Subject: FW: June 18 - confirming meeting
ATT00001.txt

Heidi,

Here is the info on the meeting you requested. The meeting was arranged by Brent Fewell from Earth & Water Law Group, hence the name of the meeting.

Fletcher

From: Brent Fewell <brent.fewell@earthandwatergroup.com>
Sent: Monday, June 17, 2019 2:50 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: June 18 - confirming meeting

Hi Fletcher, would you please send me the coordinates for tomorrow’s meeting with Matt at 3, and who Andy should call when he arrives at EPA. Thank you.

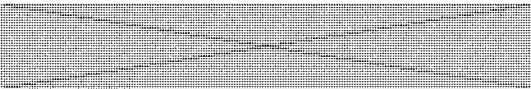
Brent

From: Brent Fewell
Sent: Thursday, May 30, 2019 5:18 PM
To: Mutz, John <mutz.john@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: June 18 - confirming meeting

Hey Fletcher, let’s lock in June 18 at 3 re Pebble. I will confirm closer to the date the final list of those who will be in attendance, but it currently includes Andy Sabin, Collin O’Mara (NWF), and McKie Campbell. Thanks.

Brent

Brent Fewell, Esq., Founder and Chair | **Earth & Water Law Group**
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
(202) 280-6362 (o) | Ex. 6 Personal Privacy (PP) (c) | www.earthandwatergroup.com



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From: Brent Fewell
Sent: Thursday, May 30, 2019 7:58 AM
To: Mutz, John <mutz.john@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Request for Meeting - May 7

Fletcher,

Is Matt available some time the day of June 18 to meet on Pebble? It would be the same individuals as proposed before.

Brent

From: Mutz, John <mutz.john@epa.gov>
Sent: Monday, May 6, 2019 10:11 AM
To: Brent Fewell <brent.fewell@earthandwatergroup.com>
Subject: RE: Request for Meeting - May 7

Brent,

Matt has a conflict at this time. Would you like to try to find a new time?

Fletcher

From: Mutz, John
Sent: Thursday, May 2, 2019 4:28 PM
To: 'Brent Fewell' <brent.fewell@earthandwatergroup.com>
Subject: RE: Request for Meeting - May 7

Brent,

Matt has not told me yet if he can rearrange his schedule to accommodate this. He does have conflicts at that time. Hopefully I'll have an answer for you tomorrow.

Fletcher

From: Brent Fewell <brent.fewell@earthandwatergroup.com>
Sent: Thursday, May 2, 2019 4:26 PM
To: Mutz, John <mutz.john@epa.gov>
Subject: FW: Request for Meeting - May 7

Hey John, just circling back on this request. Sorry it's such short notice.


Brent

From: Brent Fewell
Sent: Wednesday, May 1, 2019 3:28 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Mutz, John <mutz.john@epa.gov>
Subject: Request for Meeting - May 7

Matt,

There are a few folks, including Andy Sabin, who would like to meet with you on Pebble next Tuesday afternoon, say around 4 p.m. Are you available? Might also be Chris Wood, Collin O'Mara and John Childs. But wanting to confirm first that you would be available to take the meeting.

Brent

Brent Fewell, Esq. | **Earth & Water Law Group**
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
(202) 280-6362 (o) |  (c) | www.earthandwatergroup.com





This e-mail communication (including any attachments) may contain legally privileged and confidential information intended solely for the use of the intended recipient. If you are not the intended recipient, you should immediately stop reading this message and delete it from your system. Any unauthorized reading, distribution, copying or other use of this communication (or its attachments) is strictly prohibited.

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
Cc: Cody, Meredith[cody.meredith@epa.gov]
From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: Mon 4/29/2019 10:16:41 PM (UTC)
Subject: RE: Pebble Mine - Proposed Determination

Hi everyone –

Latest on this. Matt would like to see a draft response to Mr Allen by COB tomorrow. (He received another e-mail from him today that I will forward under separate cover.)

Can you please provide to me and Meredith by mid-afternoon?

Happy to talk in the morning about this if it helps.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Neugeboren, Steven
Sent: Monday, April 29, 2019 3:24 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: RE: Pebble Mine - Proposed Determination

Happy to discuss so why don't you look for 15 mins on calendar. sounds like a likely reg review candidate.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Nalven, Heidi
Sent: Monday, April 29, 2019 11:46 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: Pebble Mine - Proposed Determination

Steve/Carrie

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ccing Rob and Meredith for awareness purposes.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Nalven, Heidi
Sent: Monday, April 29, 2019 11:27 AM
To: Cody, Meredith <cody.meredith@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: FW: Pebble Mine - Proposed Determination

Hi Meredith –

Below is additional information from Erik Peterson, the R10 Bristol Bay program lead, about the current process regarding Bristol Bay-related correspondence. As you will see, the Region and others received and responded to previous correspondence from Mr. Allen (but not Mr. Kobylarz). I am ccing Erik Peterson and Ashley Palomaki (R10 ORC staff attorney) who worked out this process. I am also ccing Palmer Hough, the OW staff lead, who may have more information about where CMSs are saved at HQ. It seems that any CMSs sent to Matt should be added to the existing HQ CMS collection. Please let us know if you have any concerns or questions.

Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Peterson, Erik
Sent: Friday, April 26, 2019 5:04 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Pebble Mine - Proposed Determination

Heidi,

The forwarded message below is the first I have seen from Mr. Kobylarz. We (myself, Chris Hladick, Andrew Wheeler in various combinations) have received numerous emails from Thomas Allen.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: 14-D2
Seattle, Washington 98101
(206) 553-6382

From: Nalven, Heidi

Sent: Friday, April 26, 2019 6:16 AM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: FW: Pebble Mine - Proposed Determination

Ashley/Erik – See note below. Is this the same person that has been emailing folks in Region 10? Can you send me the responses that have been prepared so I can share them with Rob and Meredith?

Thanks,
Heidi

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Cody, Meredith[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BD34B58A6A0499F8DD2EC17F8CA71BD-CODY, MERED]
Sent: Fri 4/26/2019 1:56:26 PM (UTC)
Subject: RE: Pebble Mine inquiries

Thanks, Heidi!

Meredith

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

From: Nalven, Heidi
Sent: Friday, April 26, 2019 9:41 AM
To: Cody, Meredith <cody.meredith@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: Pebble Mine inquiries

Hi Meredith,

I am the WLO staff attorney who works on the PLP matter. The Region has been handling most of the responses to requests such as this one. I have ask them to send me some of the prepared responses and to confirm whether this individual has also contacted Region 10. I will let you know when I hear back from the Region.

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Schroer, Lee
Sent: Friday, April 26, 2019 9:07 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Fwd: Pebble Mine - Proposed Determination

Sent from my iPhone
Begin forwarded message:

From: "Cody, Meredith" <cody.meredith@epa.gov>
Date: April 26, 2019 at 8:44:28 AM EDT
To: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>
Cc: "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>
Subject: FW: Pebble Mine - Proposed Determination

Good morning,

Matt has asked Rob and me to work on a draft response for emails like the one below. Rob suggested that I reach out to you to find out if there is a docket or formal mechanism for collecting and responding to emails such as these, and whether you can advise on a proper response?

Thanks,
Meredith

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

From: Leopold, Matt (OGC)
Sent: Thursday, April 25, 2019 4:13 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: Pebble Mine - Proposed Determination

Hi Rob/Meredith,

Could you work together to draft a response for these types of emails.

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Michael Kobylarz; **Ex. 6 Personal Privacy (PP)**
Sent: Thursday, April 25, 2019 3:35 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: Re: Pebble Mine - Proposed Determination

Good afternoon. Just re-sending in case you have not had a chance to read through the e-mail I sent.

Thanks again for your attention.

On Wed, Apr 24, 2019 at 9:29 AM Michael Kobylarz; **Ex. 6 Personal Privacy (PP)** wrote:
Good morning.

I am writing to encourage you to remove the Proposed Determination in regards to the Pebble Mine in Alaska.

The ACoE has released the Draft EIS, and there information contained presents no reason for the Proposed Determination to remain. The Draft EIS shows that the issues that caused the Proposed Determination to be put forward in the first place have either been addressed or were never correct from the beginning.

The current administration has made it a stated goal to prevent overreach. The removal of this Proposed Determination would fit into these guidelines. I encourage you to remove this immediately.

Thank you.

Michael Kobylarz

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Thur 2/21/2019 7:21:09 PM (UTC)
Subject: FW: Bristol Bay Leadership Briefing Draft Slides

Just FYI – Also – if it’s easier, you can review using the link below. I had downloaded yesterday because Allyn also wanted to review and thought an attachment would be easier.

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik
Sent: Thursday, February 21, 2019 11:16 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Bristol Bay Leadership Briefing Draft Slides

All sounds good, thank you!



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Palomaki, Ashley
Sent: Thursday, February 21, 2019 11:01 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: Bristol Bay Leadership Briefing Draft Slides

Hi Erik –

I went through the ppt with a bit of a fine-tooth comb.

On slide 3, I added the following to step 2 for clarity: A new bullet stating that: Ex. 5 Deliberative Process (DP)
also added the following clause to the January 2018 bullet: Ex. 5 Deliberative Process (DP) I also made
some subbullets for clarity.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Also rearranged the first sentence for clarity and replaced
U.S with United States (it was missing the second period anyway).

On slide 9, changed to past tense

Slide 14, added a comma in 2000 (made it 2,000 for consistency) and added a colon and hyphen for clarity in same line

Slide 17: Changed text of first bullet for clarity from

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Slide 21: Added bullets and deleted

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Also changed the first "the" to "that" in the second bullet. Added a comma after ORD on the third bullet.

The prior version is also saved if any of this causes concern.

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 155, ORC-113

Seattle, WA 98101

206-553-8582

From: Peterson, Erik

Sent: Wednesday, February 20, 2019 4:14 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: Bristol Bay Leadership Briefing Draft Slides

Ashley,

The ppt. is ready for review as we discussed. The version at this link is likely close to final so I leave it to you to share as link or as attachment, either way is fine.

https://usepa.sharepoint.com/:p:/r/sites/R10_Work/pebble_project_po_nr_team/Shared%20Documents/Briefings/Bristol%20Bay%20Leadership%20Briefing/BB%20Presentation_Darwin%20Feb.%202019.pptx?d=wf1170884dba54d22a056711821d3347f&csf=1

My suggestion would be to share with Darwin at least and possibly others relatively soon. Perhaps you all's review by COB this Friday the 22nd?




Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Tue 10/16/2018 8:54:03 PM (UTC)
Subject: FW: REVIEW: Draft General Response to BBay Emails

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik
Sent: Tuesday, October 16, 2018 12:58 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: FW: REVIEW: Draft General Response to BBay Emails

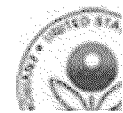


Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Peterson, Erik
Sent: Monday, October 15, 2018 9:17 AM
To: Lindsay, Andrea <Lindsay.Andrea@epa.gov>
Subject: RE: REVIEW: Draft General Response to BBay Emails

I like this response, thank you.

I plan to bring this up at the 404(c) Team call tomorrow and we'll see what people think. Great if you can make the call, and if you can't want you to know I'll be sharing some of what you and I have talked about.



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

From: Lindsay, Andrea
Sent: Monday, October 15, 2018 7:48 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: REVIEW: Draft General Response to BBay Emails

Erik - for your review. Then let's get a review from Ashley. I changed the order and text of the earlier response, so this will need a close review. -andi

Ex. 5 Deliberative Process (DP)

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Bennett, Brittany[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D7B265C202C467791CA4D4AC6B8DB8B-BENNETT, BR]
Sent: Wed 6/27/2018 3:19:39 PM (UTC)
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Thank you, Heidi.

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Nalven, Heidi
Sent: Wednesday, June 27, 2018 11:15 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

David provided me a paper version with his edits. I have made the changes in the attached document.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Frazer, Brian
Sent: Friday, June 22, 2018 3:04 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi Heidi,

Attached, find the final draft Bristol Bay, Gosar/Congressional Western Caucus response letter for David F's review. We have uploaded the letter to CMS, however, it will be on hold until Lee and David's review.

Let us know if there's any questions or concerns.

Thanks.

bf

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany

Sent: Wednesday, June 06, 2018 2:14 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>

Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Bennett, Brittany[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D7B265C202C467791CA4D4AC6B8DB8B-BENNETT, BR]
Sent: Tue 6/19/2018 3:09:59 PM (UTC)
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Thank you, Heidi.

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Nalven, Heidi
Sent: Tuesday, June 19, 2018 8:57 AM
To: Bennett, Brittany <bennett.brittany@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Steve is not planning to review and is fine with this moving forward.

From: Bennett, Brittany
Sent: Wednesday, June 13, 2018 12:55 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Should I hear back from Steve, or are your edits all we're getting from OGC at the moment?

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Tuesday, June 12, 2018 12:30 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Not yet.

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Nalven, Heidi
Sent: Tuesday, June 12, 2018 12:13 PM
To: Bennett, Brittany <bennett.brittany@epa.gov>
Subject: FW: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Did you ever hear back from Steve?

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Nalven, Heidi
Sent: Monday, June 11, 2018 11:23 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

I reviewed an earlier version during a staff review and just reviewed the version attached to your email. I flagged a few accuracy edits and one sentence I had suggested deleting on the earlier draft but the program kept in. As far as David's review, I had understood that OW was planning to share the draft response with Lee and David at the same time (after career management review).

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Neugeboren, Steven
Sent: Monday, June 11, 2018 10:58 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Did we review this when came in Wednesday? Would want to run by David too. thanks.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Wednesday, June 06, 2018 2:14 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

To: Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Fri 6/8/2018 3:00:20 PM (UTC)
Subject: FW: meeting with PLP
[meeting notes - RA meeting with Collier.docx](#)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Allnutt, David
Sent: Thursday, June 07, 2018 5:58 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: meeting with PLP

Per previous emails and discussions on this topic, attached are my draft notes from this afternoon’s meeting. I don’t believe that EPA’s PD or 404(c) action were mentioned during the meeting.



R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581



To: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Mon 8/5/2019 8:13:26 PM (UTC)
Subject: RE: June 18 - confirming meeting

Thanks very much.

From: Mutz, John (Fletcher) <mutz.john@epa.gov>
Sent: Monday, August 5, 2019 4:12 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: June 18 - confirming meeting

Heidi,

Here is the info on the meeting you requested. The meeting was arranged by Brent Fewell from Earth & Water Law Group, hence the name of the meeting.

Fletcher

From: Brent Fewell <brent.fewell@earthandwatergroup.com>
Sent: Monday, June 17, 2019 2:50 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: June 18 - confirming meeting

Hi Fletcher, would you please send me the coordinates for tomorrow's meeting with Matt at 3, and who Andy should call when he arrives at EPA. Thank you.

Brent

From: Brent Fewell
Sent: Thursday, May 30, 2019 5:18 PM
To: Mutz, John <mutz.john@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: June 18 - confirming meeting

Hey Fletcher, let's lock in June 18 at 3 re Pebble. I will confirm closer to the date the final list of those who will be in attendance, but it currently includes Andy Sabin, Collin O'Mara (NWF), and McKie Campbell. Thanks.

Brent

Brent Fewell, Esq., Founder and Chair | **Earth & Water Law Group**
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
(202) 280-6362 (o) | Ex. 6 Personal Privacy (PP) (c) | www.earthandwatergroup.com



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From: Brent Fewell
Sent: Thursday, May 30, 2019 7:58 AM
To: Mutz, John <mutz.john@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>

Subject: RE: Request for Meeting - May 7

Fletcher,

Is Matt available some time the day of June 18 to meet on Pebble? It would be the same individuals as proposed before.

Brent

From: Mutz, John <mutz.john@epa.gov>

Sent: Monday, May 6, 2019 10:11 AM

To: Brent Fewell <brent.fewell@earthandwatergroup.com>

Subject: RE: Request for Meeting - May 7

Brent,

Matt has a conflict at this time. Would you like to try to find a new time?

Fletcher

From: Mutz, John

Sent: Thursday, May 2, 2019 4:28 PM

To: 'Brent Fewell' <brent.fewell@earthandwatergroup.com>

Subject: RE: Request for Meeting - May 7

Brent,

Matt has not told me yet if he can rearrange his schedule to accommodate this. He does have conflicts at that time. Hopefully I'll have an answer for you tomorrow.

Fletcher

From: Brent Fewell <brent.fewell@earthandwatergroup.com>

Sent: Thursday, May 2, 2019 4:26 PM

To: Mutz, John <mutz.john@epa.gov>

Subject: FW: Request for Meeting - May 7

Hey John, just circling back on this request. Sorry it's such short notice.

Brent

From: Brent Fewell

Sent: Wednesday, May 1, 2019 3:28 PM

To: Leopold, Matt <Leopold.Matt@epa.gov>

Cc: Mutz, John <mutz.john@epa.gov>

Subject: Request for Meeting - May 7

Matt,


There are a few folks, including Andy Sabin, who would like to meet with you on Pebble next Tuesday afternoon, say around 4 p.m. Are you available? Might also be Chris Wood, Collin O'Mara and John Childs. But wanting to confirm first that you would be available to take the meeting.

Brent

1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004

(202) 280-6362 (o) | Ex. 6 Personal Privacy (PP) (c) | www.earthandwatergroup.com



Linked 

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To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 4/30/2019 4:09:21 PM (UTC)
Subject: FW: Pebble Mine - Proposed Determination
[R10-18-001-0187 Final Response. 09052018.pdf](#)
[R10-19-000-1379 Allen Final Response 12122018.pdf](#)
[AX-18-001-1062 Allen final response.pdf](#)
[AX-19-000-0141 Allen final response.pdf](#)
[AX-19-000-0026 Allen final response.pdf](#)
[R10-19-000-0237 Allen final response.pdf](#)
[19-000-2365 Final Response Giessel Coghill Costello.pdf](#)

See email below. Looks like the Region has responded to Mr. Allen six times.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Peterson, Erik
Sent: Tuesday, April 30, 2019 12:06 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Pebble Mine - Proposed Determination

Allen responses are attached. I've included all of them to show that we formally responded to him six times. There were two more Allen emails controlled for response that R10's DRA, Michelle Pirzadeh sent back to HQ (19-000-2157 and 19-000-2663). I don't know the current status of those CMSs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: 14-D2
Seattle, Washington 98101
(206) 553-6382

From: Nalven, Heidi
Sent: Tuesday, April 30, 2019 6:19 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Pebble Mine - Proposed Determination

Thanks Erik. This is really helpful. Can you send me ASAP the responses you sent to Mr. Allen? It looks like Matt may want to send another one by COB today.

From: Peterson, Erik
Sent: Friday, April 26, 2019 5:04 PM

To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: RE: Pebble Mine - Proposed Determination

Heidi,

The forwarded message below is the first I have seen from Mr. Kobylarz. We (myself, Chris Hladick, Andrew Wheeler in various combinations) have received numerous emails from Thomas Allen. At this point,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: 14-D2
Seattle, Washington 98101
(206) 553-6382

From: Nalven, Heidi

Sent: Friday, April 26, 2019 6:16 AM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>

Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: FW: Pebble Mine - Proposed Determination

Ashley/Erik – See note below. Is this the same person that has been emailing folks in Region 10? Can you send me the responses that have been prepared so I can share them with Rob and Meredith?

Thanks,
Heidi

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Schroer, Lee

Sent: Friday, April 26, 2019 9:07 AM

To: Nalven, Heidi <Nalven.Heidi@epa.gov>

Subject: Fwd: Pebble Mine - Proposed Determination

Sent from my iPhone

Begin forwarded message:

From: "Cody, Meredith" <cody.meredith@epa.gov>

Date: April 26, 2019 at 8:44:28 AM EDT

To: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>

Cc: "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>

Subject: FW: Pebble Mine - Proposed Determination

Good morning,

Matt has asked Rob and me to work on a draft response for emails like the one below. Rob suggested that I reach out to you to find out if there is a docket or formal mechanism for collecting and responding to emails such as these, and whether you can advise on a proper response?

Thanks,
Meredith

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

From: Leopold, Matt (OGC)

Sent: Thursday, April 25, 2019 4:13 PM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>

Subject: FW: Pebble Mine - Proposed Determination

Hi Rob/Meredith,

Could you work together to draft a response for these types of emails.

Thanks, Matt

Matthew Z. Leopold

General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Michael Kobylarz; **Ex. 6 Personal Privacy (PP)**

Sent: Thursday, April 25, 2019 3:35 PM

To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: Re: Pebble Mine - Proposed Determination

Good afternoon. Just re-sending in case you have not had a chance to read through the e-mail I sent.

Thanks again for your attention.

On Wed, Apr 24, 2019 at 9:29 AM Michael Kobylarz **Ex. 6 Personal Privacy (PP)** wrote:
Good morning.

I am writing to encourage you to remove the Proposed Determination in regards to the Pebble Mine in Alaska.

The ACoE has released the Draft EIS, and there information contained presents no reason for the Proposed Determination to remain. The Draft EIS shows that the issues that caused the Proposed Determination to be put forward in the first place have either been addressed or were never correct from the beginning.

The current administration has made it a stated goal to prevent overreach. The removal of this Proposed Determination would fit into these guidelines. I encourage you to remove this immediately.

Thank you.

Michael Kobylarz

To: Sheppard, Tracy[Sheppard.Tracy@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 11/27/2018 7:41:41 PM (UTC)
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment
[RFC 20181114 Bristol Bay \(003\) - .pdf](#)

Sure. Here you go.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Sheppard, Tracy
Sent: Tuesday, November 27, 2018 1:16 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi,
Can you send me the petition? It wasn't attached to the email chain. Thanks.

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office

Ex. 6 Personal Privacy (PP)

 mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Nalven, Heidi
Sent: Monday, November 26, 2018 2:43 PM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Thanks Tracy. We raised the petition as an FYI at reg review. David Fotouhi was wondering if there are any specific

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 12:10 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Carrie,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office
Ex. 6 Personal Privacy (PP) mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Wehling, Carrie
Sent: Thursday, November 15, 2018 11:58 AM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Thanks, Tracy. I have not seen many of these. Can you summarize the process for me? Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Sheppard, Tracy
Sent: Thursday, November 15, 2018 11:50 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: IQA Petition - Bristol Bay Watershed Assessment

Heidi,
Thanks for the heads up. I will make sure that you are including on the scoping team for the this RFC.

Tracy L. Sheppard, Attorney-Advisor,
US EPA, Office of General Counsel
Sheppard.Tracy@epa.gov
(202) 564-1305 office
Ex. 6 Personal Privacy (PP) mobile

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Nalven, Heidi
Sent: Thursday, November 15, 2018 11:47 AM
To: Sheppard, Tracy <Sheppard.Tracy@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Hi Tracy – I just wanted to provide you a heads up on the attached IQA petition. I am sure we will be following up with questions.

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Hough, Palmer

Sent: Thursday, November 15, 2018 9:06 AM

To: Allnutt, David <Allnutt.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Schofield, Kate <Schofield.Kate@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Herbst, John <herbst.john@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Folks:

Yesterday, the Competitive Enterprise Institute submitted a request for EPA to “either substantially correct or withdraw its 2014 Bristol Bay Watershed Assessment (BBWA) and the proposed determination based upon it.” Their letter states that “[t]he BBWA fails the applicable standards of information quality” and that “[i]ts ongoing dissemination and use to effectively block the Pebble Mine project in Alaska is therefore in violation of the law.”

I’m not sure what the next steps are but wanted folks to be aware.

-Palmer

From: Goodin, John

Sent: Thursday, November 15, 2018 8:49 AM

To: Frazer, Brian <Frazer.Brian@epa.gov>

Cc: Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Smith, Bernicel <Smith.Bernicel@epa.gov>

Subject: Fwd: IQA Petition - Bristol Bay Watershed Assessment

Brian— let me know your recommendation for POC. Trust you'll coordinate with the Region and OGC as well. I’d like to send a brief heads up to Lee before Monday too.

Thanks!

John

Sent from my iPhone

Begin forwarded message:

From: "Bahadori, Tina" <Bahadori.Tina@epa.gov>

Date: November 15, 2018 at 8:32:30 AM EST

To: "Goodin, John" <Goodin.John@epa.gov>, "Elleman, Robert" <Elleman.Robert@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Good Morning,

Sharing this for your awareness – I am sure it will eventually work its way through the system.

Thanks,

Tina

From: Kirby, Kevin **On Behalf Of** Quality

Sent: Wednesday, November 14, 2018 5:09 PM

To: Watkins, Stephen <watkins.stephen@epa.gov>; WigginsLewis, Miriam <WigginsLewis.Miriam@epa.gov>

Cc: Bahadori, Tina <Bahadori.Tina@epa.gov>

Subject: FW: IQA Petition - Bristol Bay Watershed Assessment

Greetings from IQG Central!

We just had a new Request for Correction submitted today (see below) concerning the Bristol Bay Watershed Assessment. As the primary POCs for your organizations, I am hopeful that you can help me identify the Subject Matter experts for this request. Please let me know who you would like me to include in the Scoping Meeting by next week, Nov. 21.

The NPS and Watershed focus suggest OW as the Information Owners.

Participants in the FR Notice reveal an NCEA colleague (past Director) at the table during the peer review assessment.

Useful links for this RFC petition:

- EPA's website on Bristol Bay: <https://www.epa.gov/bristolbay>
- Federal Register Notice of external peer review meeting:
<https://www.federalregister.gov/documents/2012/07/06/2012-16441/notice-of-the-peer-review-meeting-for-epas-draft-report-entitled-an-assessment-of-potential-mining>

Thanks!

Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Ben Lieberman [<mailto:Ben.Lieberman@cei.org>]
Sent: Wednesday, November 14, 2018 11:54 AM
To: Quality <Quality@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: IQA Petition - Bristol Bay Watershed Assessment

Enclosed is an Information Quality Act Request for Correction regarding the Bristol Bay Watershed Assessment. Do not hesitate to contact me if you need any additional information.

Ben Lieberman
Senior Fellow
Competitive Enterprise Institute
(202) 331-2270

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 6/28/2018 12:41:14 AM (UTC)
Subject: Re: For your review - Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Steve- I am checking with OW on David's question but I wanted to confirm that the paper edits you gave me yesterday (after NY meeting) on OW's response were from David. I thought you said they were and that's what I told OW when I sent them this morning. I was confused by David's email below and wanted to see whether I heard you incorrectly.

Sent from my iPhone

On Jun 27, 2018, at 7:11 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

This looks fine to me. Do you know if OW is planning to update it to reflect

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Nalven, Heidi

Sent: Tuesday, June 26, 2018 9:14 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: For your review - Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi David,

Hi David – You had expressed an interest in reviewing OW's draft response to the Congressional Western Caucus letter. Attached is OW's latest draft. Brian sent a follow-up message indicating that the program is hoping to get this out quickly.

Thanks,
Heidi

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Frazer, Brian

Sent: Friday, June 22, 2018 3:04 PM

To: Nalven, Heidi <Nalven.Heidi@epa.gov>

Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>

Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi Heidi,

Attached, find the final draft Bristol Bay, Gosar/Congressional Western Caucus response letter for David F's review. We have uploaded the letter to CMS, however, it will be on hold until Lee and David's review.

Let us know if there's any questions or concerns.

Thanks.

bf

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Mon 7/2/2018 6:25:14 PM (UTC)
Subject: Clerk assignment

Ex. 5 AC/DP

Thanks for prompting me on this. Andrea (one of our WLO clerks) sent me the two attached products but I haven't had a chance to dig into them yet. I will look for some time on our calendars to see what we collectively think so we can provide feedback to Andrea. Sound okay?

Here was the assignment I gave her:

This assignment will involve the clerk conducting legal research and preparing case summaries of:

Ex. 5 AC/DP

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Palomaki, Ashley
Sent: Monday, July 02, 2018 2:16 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: PLP response update?

Hi Heidi – I assume that the law clerk is still working on this until told otherwise, but Erik keeps asking me for an update. Thanks.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik
Sent: Monday, July 02, 2018 10:47 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: PLP response update?

Any updates on the Ex. 5 Deliberative Process (DP)



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Bennett, Brittany[bennett.brittany@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 6/14/2018 12:39:32 PM (UTC)
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

I will see Steve later today and ask.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Bennett, Brittany
Sent: Wednesday, June 13, 2018 12:55 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Should I hear back from Steve, or are your edits all we're getting from OGC at the moment?

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Tuesday, June 12, 2018 12:30 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Not yet.

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Nalven, Heidi
Sent: Tuesday, June 12, 2018 12:13 PM
To: Bennett, Brittany <bennett.brittany@epa.gov>
Subject: FW: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Did you ever hear back from Steve?

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Nalven, Heidi
Sent: Monday, June 11, 2018 11:23 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

I reviewed an earlier version during a staff review and just reviewed the version attached to your email. I flagged a few accuracy edits and one sentence I had suggested deleting on the earlier draft but the program kept in. As far as David's review, I had understood that OW was planning to share the draft response with Lee and David at the same time (after career management review).

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Neugeboren, Steven
Sent: Monday, June 11, 2018 10:58 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Did we review this when came in Wednesday? Would want to run by David too. thanks.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Wednesday, June 06, 2018 2:14 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett

Ecologist

U.S. EPA, Office of Water

ph: 202.564.1896

Bennett.Brittany@epa.gov

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Wed 5/16/2018 2:08:24 PM (UTC)
Subject: RE: Draft Response to PLP Letters

No problem. I can plan to take the pen for today. I have time this afternoon to focus on this.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Palomaki, Ashley
Sent: Wednesday, May 16, 2018 10:02 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Draft Response to PLP Letters

Hi Heidi – I did what I could but I haven’t had much time to work on this. I am out today for a mining retreat. Will be back in the office tomorrow. If you have time to work on this today, that would be great.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Palomaki, Ashley
Sent: Monday, May 14, 2018 5:35 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Draft Response to PLP Letters

K – I’m trying ☺

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Monday, May 14, 2018 5:20 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Draft Response to PLP Letters

To be clear, no one has said limit it to one page but everything that’s used with higher ups is about a page, so I think we should strive for that * .

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Palomaki, Ashley
Sent: Monday, May 14, 2018 5:16 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Draft Response to PLP Letters

Thanks, Heidi. Oof- one page? In total, Pebble's letters are over 10. I'll work on condensing today and tomorrow and then you can take a look on Wednesday.

The meeting tomorrow is going to get cancelled.

Ashley Palomaki

Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi
Sent: Monday, May 14, 2018 1:13 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Draft Response to PLP Letters

I put in some initial reactions. I need to go back to the letters but haven't had a chance. I am sorry I haven't been able to focus on this. I have been consumed with Idaho and getting that all finalized. I think you did a good job boiling it down (and I recognize that my edits don't help!) My gut tells me that we really need this to be one page but as you know, editing down takes more time.

I have to present at the WQS meeting in Virginia tomorrow. I hope to be back by our 404 call but there's a chance I might be late. I have a lot of time on Wednesday to devote to this so just let me know how I can help.

Heidi Nalven

U.S. EPA Office of General Counsel
202-564-3189

From: Palomaki, Ashley
Sent: Monday, May 14, 2018 2:15 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Draft Response to PLP Letters

Hi Heidi – just a friendly reminder about this. Thanks.

Ashley Palomaki

Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Palomaki, Ashley
Sent: Thursday, May 10, 2018 10:46 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Draft Response to PLP Letters

Hi Heidi,

I did find Elizabeth's NAFTA paper and pulled a couple bullets out of it but in total, it's 2.5 pages and largely focused on NDM's NAFTA allegations.

I put together a summary that's less than 2 pages. Let me know what you think.

https://usepa-my.sharepoint.com/:w/g/personal/palomaki_ashley_epa_gov/ESIVoKrrl9tEgZk8v00Fmy4BE90B3ReCclaiAuGZg71XmA?e=bMiqWb

Thanks!

Ashley

Ashley Palomaki

Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Palomaki, Ashley

Sent: Tuesday, May 08, 2018 7:03 PM

To: Hough, Palmer <Hough.Palmer@epa.gov>

Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>

Subject: RE: Draft Response to PLP Letters

Thanks, Palmer. We got some additional guidance from Carrie and I'm going to add a one-pager to the front of this. Heidi and I will have it ready for you guys to review at the beginning of next week.

Ashley Palomaki

Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Hough, Palmer

Sent: Tuesday, May 08, 2018 5:45 AM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>

Subject: Re: Draft Response to PLP Letters

I'm on travel all week and will look at this as soon as I can.

Sent from my iPhone

On May 7, 2018, at 4:58 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Hi – Was having issues last week with sharing, but this link should work.

https://usepa-my.sharepoint.com/:w:/g/personal/palomaki_ashley_epa_gov/ESIVoKrrl9tEgZk8v00Fmy4BE90B3ReCclaiAuGZg71XmA?e=bMiqWb

Ex. 5 Deliberative Process (DP)

Ashley Palomaki

Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Palomaki, Ashley

Sent: Thursday, May 03, 2018 9:20 AM

To: Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>

Subject: Draft Response to PLP Letters

Hi –

Per David's and Carrie's request, attached a draft summary response to PLP's 4/24 and 4/25 letters.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Have at it!

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 155, ORC-113

Seattle, WA 98101

206-553-8582

To: Frazer, Brian[Frazer.Brian@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Tue 6/26/2018 1:16:14 PM (UTC)
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

I sent it to David. As you know, he is swamped on WOTUS and other matters but I indicated that you all would like to get this out quickly. We see him daily so there's an opportunity to follow-up in a day or two if we haven't heard back.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Frazer, Brian
Sent: Tuesday, June 26, 2018 7:31 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Good morning, Heidi,

Do you know when we can get OGC management concurrence on the Gosar letter. We cannot move it through CMS without a concurrence letter from OGC.

Thanks.

bf

From: Frazer, Brian
Sent: Friday, June 22, 2018 3:04 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi Heidi,

Attached, find the final draft Bristol Bay, Gosar/Congressional Western Caucus response letter for David F's review. We have uploaded the letter to CMS, however, it will be on hold until Lee and David's review.

Let us know if there's any questions or concerns.

Thanks.

bf

From: Bennett, Brittany
Sent: Monday, June 11, 2018 9:32 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all – just a reminder that we are looking for your edits as soon as possible on the attached response.

Thank you!

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany

Sent: Wednesday, June 06, 2018 2:14 PM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>

Cc: Peterson, Erik <Peterson.Erik@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Wake, Neverley <wake.neverley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>

Subject: Review: Bristol Bay, Gosar/Congressional Western Caucus CMS Response

Hi all,

Attached is a draft response to the 5/3/18 letter from 18 members of Congress, led by the Congressional Western Caucus, requesting that EPA withdraw the 2014 PD and “act in accordance with the outcomes of the normal NEPA process.” This response has been reviewed by the Bristol Bay 404(c) team, OGC, and ORC. I have attached both the draft response and the letter for your review. We have been informed by OGC that David Fotouhi would like to review the response when it’s in final form.

Please review and send in any edits or comments by COB Friday 6/8.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

Appointment

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 5/31/2019 3:50:00 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Accepted: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Sheppard, Tracy[Sheppard.Tracy@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Neugeboren.Steven@epa.gov[Neugeboren.Steven@epa.gov]
Sent: Mon 6/17/2019 10:52:35 PM (UTC)
Subject: Re: For your review: Draft interim response re: Bristol Bay Request for Correction due 6/21

Thanks Heidi. Adding rob in light of email I just sent him so he is aware. Rob - it may be helpful if you could send David the email correspondence that has come into matt recently that David hasn't seen so David is aware of that as he reviews this. Thanks.

Sent from my iPhone
Steven Neugeboren
Associate General Counsel for Water
U.S. EPA
202-564-5488

On Jun 17, 2019, at 6:42 PM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

David,

We have prepared the attached draft response to CEI's request for correction relating to Bristol Bay per Matt's direction. EPA's interim response is due on **Friday, June 21st**. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)	Please let us know if you have any edits to the attached draft. I have attached for your reference the last interim response OEI issued.
Ex. 5 Deliberative Process (DP)	

Thanks,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

<Draft interim response BBWA RFC.docx>

<RFC 19001 interim 1 021319.pdf>

To: Wehling, Carrie[Wehling.Carrie@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]; Risley, David[Risley.David@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Hackel, Angela[Hackel.Angela@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Stern, Allyn[Stern.Alyn@epa.gov]; Fuld, John[Fuld.John@epa.gov]
From: Neugeboren.Steven@epa.gov[Neugeboren.Steven@epa.gov]
Sent: Thur 7/25/2019 7:04:15 PM (UTC)
Subject: Re: Questions from CNN re Pebble Mine

I just discussed this with Matt and David.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Steven Neugeboren

Associate General Counsel for Water

U.S. EPA

202-564-5488

On Jul 25, 2019, at 2:51 PM, Wehling, Carrie <Wehling.Carrie@epa.gov> wrote:

Copying Allyn who is going to be coordinating with the OGC front office (Katherine Willey) on this and other press matters related to the pending Pebble matters.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Holsman, Marianne
Sent: Thursday, July 25, 2019 2:46 PM
To: Risley, David <Risley.David@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Fuld, John <Fuld.John@epa.gov>
Subject: RE: Questions from CNN re Pebble Mine

That's right, David.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Marianne

Follow us on Twitter! [@EPAnorthwest](#)
Like us on Facebook! [@eparegion10](#)

From: Risley, David
Sent: Thursday, July 25, 2019 10:47 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: RE: Questions from CNN re Pebble Mine

My understanding is that OGC is primary on this topics. With that understanding, we were hoping to review any draft you all provide. If my understanding is incorrect, please let me know.

David Risley

From: Stachowiak, Robert
Sent: Thursday, July 25, 2019 1:40 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: Questions from CNN re Pebble Mine

Looping in WLO folks for consideration here. Does OW or Region 10 have proposed responses?

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Hackel, Angela
Sent: Thursday, July 25, 2019 1:21 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Subject: Pebble Mine

Hi Robert,

We received the below questions from CNN. Can OGC please advise on how you all would like to respond (I have CC'd in R10 and OW).

Thanks,

Angela

CNN: Pebble Mine
Deadline 2/26: 10 am
Inquiry:

CNN is continuing to follow developments with the permitting of the Pebble Project (Pebble Mine) in Alaska. We have several questions we are submitting to EPA headquarters for a report that could be published as early as tomorrow (Friday July 26, 2019).

*Has the EPA's "proposed determination" under section 404 of the Clean Water Act changed?

*If so, what is the decision and when was it made?

*If the EPA has removed the "determination", who made that decision?

*Upon restoring the special protections for Bristol Bay last year (January 26, 2018), the EPA press release made it clear the Pebble Project could still apply for a permit, but included this statement:

. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable. (January 26, 2018 EPA)

*Does the EPA still believe the permit application must clear a high bar?

*It is clear from the attached letter, region 10 EPA administration Chris Hladick believes the Pebble Project still poses significant risks to the Bristol Bay Watershed and that the Army Corps of Engineers EIS study inadequately addressed the EPA's environmental concerns. Does the EPA leadership share Hladick's concerns?

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

Appointment

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 5/31/2019 3:50:00 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Accepted: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

To: Peterson, Erik[Peterson.Erik@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Ortiz, Michael[Ortiz.Michael@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]; Whitley, Annie[Whitley.Annie@epa.gov]; shoemake.neverley@epa.gov[shoemake.neverley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Herbst, John[herbst.john@epa.gov]
From: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
Sent: Mon 6/25/2018 10:43:21 PM (UTC)
Subject: RE: Bristol Bay 404(c) Team Meeting - 6/26/18
ATT00001.txt

Hi –

I just heard that

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ashley

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Peterson, Erik
Sent: Monday, June 25, 2018 3:30 PM
To: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Ortiz, Michael <Ortiz.Michael@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; shoemake.neverley@epa.gov; Hough, Palmer <Hough.Palmer@epa.gov>; Herbst, John <herbst.john@epa.gov>
Subject: Bristol Bay 404(c) Team Meeting - 6/26/18

Hello BB 404(c) Team,

I propose that we cancel our call for tomorrow. Instead, below are a few brief updates. Please add any important status update I may have missed.

Also, please let me know if you have any agenda items to suggest for the July 3rd Allnutt check-in beyond what I have in the notes below.

FOIA

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•

Ex. 5 Deliberative Process (DP)

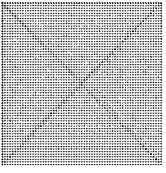
- PLP Response
- Heidi and Ashley working on this

- Western Caucus Response
- Sent to Lee F. w/ copy to David F.

- QFR
- Next step is OMB clearance

Items for Allnutt check-in on July 3rd

- Provide quick updates on the above items



Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-6382

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: bolen.brittany@epa.gov[bolen.brittany@epa.gov]
Sent: Thur 6/27/2019 3:55:49 PM (UTC)
Subject: Fwd: Emailing: Pebble-WheelerFinalLetter-6-27
[Pebble-WheelerFinalLetter-6-27.pdf](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: Ben Lieberman <Ben.Lieberman@cei.org>
Date: June 27, 2019 at 11:54:55 AM EDT
To: "wheeler.andrew@epa.gov" <wheeler.andrew@epa.gov>, "bolen.brittany@epa.gov" <bolen.brittany@epa.gov>, "holloman.vincia@epa.gov" <holloman.vincia@epa.gov>, "gordon.stephen@epa.gov" <gordon.stephen@epa.gov>
Subject: Emailing: Pebble-WheelerFinalLetter-6-27

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
From: Leopold.Matt@epa.gov[Leopold.Matt@epa.gov]
Sent: Wed 6/26/2019 9:04:24 PM (UTC)
Subject: Re: Fair Article

Thanks

Sent from my iPhone

On Jun 26, 2019, at 4:46 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Matt,
For your awareness. This is a fair article in my view.

Lee

BRISTOL BAY EPA restarts effort to kill Pebble restrictions

Dylan Brown and Ariel Wittenberg, E&E News reporters Published: Wednesday, June 26, 2019 <image001.jpg>

The Pebble mine prospect site is seen here in 2008. Erin McKittrick/GroundTruthTrekking.org

EPA will take another look at striking down proposed Pebble mine restrictions dating back to President Obama. In a [memo](#) released today, EPA General Counsel Matthew Leopold ordered Region 10 Administrator Chris Hladick to resume the withdrawal process for the 2014 [proposed determination](#) that effectively blocked the controversial copper and gold mine to protect Alaska's Bristol Bay.

Former EPA chief Scott Pruitt started the process as part of a 2017 [settlement](#) that gave mining firm Pebble LP four years to finish the environmental review process after putting forward a mine plan.

But a month later, Pruitt canceled the withdrawal process, leaving the potential restrictions to hover over the project. That stunned his conservative allies, who condemn the preemptive use of the agency's seldom-used power under Section 404(c) of the Clean Water Act as government overreach ([Greenwire](#), April 25, 2018).

But Pebble LP has submitted a permit application to the Army Corps of Engineers.

Advertisement

Last week, Democrats in the House passed a spending bill amendment that would block the agency from finishing its review, but it is unlikely to ever gain traction in the Republican-led Senate.

The comment period on the draft [environmental impact statement](#) concludes Monday ([E&E Daily](#), June 26). EPA is required by the National Environmental Policy Act to submit a letter commenting on the proposal. It has the option to submit a second letter under the Clean Water Act. It is unclear what those documents will say.

After Pruitt's resignation, the final say on Pebble matters fell to Leopold after new EPA Administrator Andrew Wheeler and agency water chief David Ross were forced to recuse themselves due to conflicts of interest with the project ([Greenwire](#), March 26).

Leopold was in Alaska this month meeting with the Army Corps and others.

"It was basically a general discussion, in all honesty, about how things were going," said Army Corps Alaska District Regulatory Division Chief David Hobbie.

The proposed determination was "not at all" discussed, he said, during the half-hour conversation.

"Today's step is a move toward good government decision making, which we owe under the law to both the public and project proponents," Leopold said in a statement today, citing the draft EIS as a trove of new information to consider. Leopold's memo directs EPA to consider using a process under Section 404(q) of the Clean Water Act to "elevate" permits when the agency disagrees with the Army Corps — a process that is often seen as a precursor to an EPA veto.

EPA can inform the Army Corps if it believes a project will have a "substantial and unacceptable" impact on an aquatic resource of national importance (ARNI), which could be one that has economic benefits or water quality benefits, or is considered unique or rare. The Chesapeake Bay, for example, has previously been declared an ARNI.

That elevation process was formalized in the 1990s with an [agreement](#) between the two agencies. Under that [agreement](#), EPA has to send two letters saying a project "may" affect and "will" affect an ARNI within 25 days of each other.

Those letters set off a ping-pong of correspondence between EPA and the Army Corps, with the Army Corps having to inform EPA if it disagrees with the ARNI assessment before a permit is issued. If the Army Corps district wants to proceed and the EPA region disagrees, the headquarters of each agency becomes involved.

Ultimately, however, the decision of whether to issue a permit is left to the head of the Army Corps.

If the assistant secretary of the Army for civil works decides to move ahead with the permit, EPA must either step aside or start the veto process outlined in Section 404(c) of the Clean Water Act.

It's not clear what kind of weight an EPA elevation would hold at the Army Corps without a potential veto looming to force the agencies to compromise.

LaJuana Wilcher, who led EPA's Office of Water during the George H.W. Bush administration and drafted the ARNI agreement with the Army Corps, said it was meant for the two agencies to come to an agreement on a permit without vetoing projects after developers had already spent millions of dollars on design and environmental review.

"We wanted to avoid the federal government sending mixed signals over what the federal government will say about a project," she said.

Importantly, Leopold's memo does not direct EPA to initiate the elevation process but says the agency should do so "if the factual analysis leads to a conclusion" that the elevation is necessary.

"The elevation procedure is the longstanding, well-understood, and agreed-upon process that the agencies have utilized for more than two decades," he said. "By making an up-or-down decision on the 2014 Proposed Determination and by invoking these well-understood elevation procedures, Region 10 can discharge its obligations under the law and take two significant steps toward restoring normal order to this protracted and uncertain process."

To: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Leopold.Matt@epa.gov[Leopold.Matt@epa.gov]
Sent: Thur 7/11/2019 9:49:03 PM (UTC)
Subject: Fwd: BBNC Letter Concerning Proposed Determination Memorandum
[BBNC Letter to Leopold 7.11.19.pdf](#)
[ATT00001.htm](#)
[BBNC 404 and DEIS Comment ltr \(Final\) 7.1.2019.pdf](#)
[ATT00002.htm](#)
[BBNC Comment Appendices and Links.pdf](#)
[ATT00003.htm](#)
[07012019 EPA Comments Pebble Project DEIS.pdf](#)
[ATT00004.htm](#)
[Pebble DEIS SOA consolidated comments Final.pdf](#)
[ATT00005.htm](#)
[Pebble Mine DEIS - DOI Comments and Enclosures.pdf](#)
[ATT00006.htm](#)
[Pebble DEIS SOA Cover-final.docx.pdf](#)
[ATT00007.htm](#)
[07012019 EPA Comments Pebble Permit POA-2017-00271.pdf](#)
[ATT00008.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Daniel L. Cheyette" <dcheyette@BBNC.NET>
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: BBNC Letter Concerning Proposed Determination Memorandum

Matt,

Attached please find a letter from Bristol Bay Native Corporation with attachments concerning your recent Memorandum to Chris Hladick, Regional Administrator for Region 10. A hard copy of these documents will also follow by regular mail.

I hope we can stay in contact regarding any potential action concerning the Proposed Determination for Bristol Bay and 404(q) elevation process and that you will continue to seek input from BBNC and other Bristol Bay tribes and stakeholders.

Thanks and best regards,
Dan

Daniel L. Cheyette
Vice President, Lands and Natural Resources
Bristol Bay Native Corporation
P: 907.278.3602
D: 907.265.7855
www.bbnc.net

To: Fotouhi, David[Fotouhi.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Leopold.Matt@epa.gov[Leopold.Matt@epa.gov]
Sent: Sun 7/14/2019 12:18:19 PM (UTC)
Subject: Fwd: Letter from Bristol Bay Organizations
[BBsLetter to Leopold 7.12.19.pdf](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Daniel L. Cheyette" <dcheyette@BBNC.NET>
Date: July 12, 2019 at 2:18:51 PM EDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: Letter from Bristol Bay Organizations

Matt,

Attached is a letter from all of the organizations that attended our June 13th Dillingham meeting regarding that visit and the subsequent Memorandum to Region 10 concerning the Proposed Determination.

Appreciate your consideration of our views.

Regards,

Daniel L. Cheyette
Vice President, Lands and Natural Resources
Bristol Bay Native Corporation
P: 907.278.3602
D: 907.265.7855
www.bbnc.net

Appointment

From: Mutz, John (Fletcher) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: 6/10/2019 3:25:32 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Bristol Bay Fishermen
Location: Two Sisters Haven
Start: 6/12/2019 11:00:00 PM
End: 6/12/2019 11:30:00 PM
Show Time As: Busy

Appointment

From: Mutz, John (Fletcher) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: 6/10/2019 3:24:25 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Meeting with Pebble Limited Partnership
Start: 6/12/2019 8:30:00 PM
End: 6/12/2019 9:30:00 PM
Show Time As: Busy

Appointment

From: Mutz, John (Fletcher) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: 5/30/2019 2:08:56 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
BCC: DCRoomARN4045/DC-Ariel-Rios-OGC [DCROOMARN4045@epa.gov]
Subject: Meeting with Earth & Water Law Group re: Pebble
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 6/18/2019 7:00:00 PM
End: 6/18/2019 8:00:00 PM
Show Time As: Busy

Hey Fletcher, let's lock in June 18 at 3 re Pebble. I will confirm closer to the date the final list of those who will be in attendance, but it currently includes Andy Sabin, Collin O'Mara (NWF), and McKie Campbell. Thanks.

Appointment

From: Mutz, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: 4/29/2019 5:22:13 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
CC: Patrick, Monique [Patrick.Monique@epa.gov]

Subject: WH Political Affairs Pebble Mine Briefing
Location: 197 EEOB

Start: 5/2/2019 6:30:00 PM
End: 5/2/2019 7:15:00 PM
Show Time As: Busy

Appointment

From: Mutz, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: 4/26/2019 3:08:38 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: Meeting with Pebble Mine
Location: DCRoomARN4045/DC-Ariel-Rios-OGC
Start: 5/15/2019 6:00:00 PM
End: 5/15/2019 7:00:00 PM
Show Time As: Busy

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Thur 7/25/2019 7:12:38 PM (UTC)
Subject: FW: Pebble Project/CNN

From: Griffin, Drew <Drew.Griffin@turner.com>
Sent: Thursday, July 25, 2019 9:20 AM
To: Press <Press@epa.gov>
Subject: FW: Pebble Project/CNN

Good morning,

CNN is continuing to follow developments with the permitting of the Pebble Project (Pebble Mine) in Alaska. We have several questions we are submitting to EPA headquarters for a report that could be published as early as tomorrow (Friday July 26, 2019).

*Has the EPA's "proposed determination" under section 404 of the Clean Water Act changed?

*If so, what is the decision and when was it made?

*If the EPA has removed the "determination", who made that decision?

*Upon restoring the special protections for Bristol Bay last year (January 26, 2018), the EPA press release made it clear the Pebble Project could still apply for a permit, but included this statement:

. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable. (January 26, 2018 EPA)

*Does the EPA still believe the permit application must clear a high bar?

*It is clear from the attached letter, region 10 EPA administration Chris Hladick believes the Pebble Project still poses significant risks to the Bristol Bay Watershed and that the Army Corps of Engineers EIS study inadequately addressed the EPA's environmental concerns. Does the EPA leadership share Hladick's concerns?

CNN would greatly appreciate some responses as soon as possible. I can be reached at

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Thank you.

Drew Griffin
CNN

Message

From: Thomas Allen [thomas@markeallenlaw.com]
Sent: 7/11/2019 12:24:03 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: What is wrong with Hladick?

Mr. Leopold,

Does he not want to lift the Pebble PD to delay? That is the one thing you requested, for him to make a decision...how much longer could he possibly need? The FEIS is released Q1 of 2020 as you know.

Confused and frustrated,
Tom

Thomas D. Allen

Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.
Fridays: By appointment only

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: Fri 6/7/2019 8:39:27 PM (UTC)
Subject: Electronic versions of speeches; press clippings for AK trip
[Draft Speech to Region 10 All Hands 06.10.19.docx](#)
[Draft Speech to Seattle Bar Ass'n 06.10.19 v.3.docx](#)
[Alaska trip news clips -- Fairbanks PM 2.5.docx](#)
[Alaska trip news clips -- Pebble Mine.docx](#)
[Alaska trip news clips -- PFAS 2019.docx](#)
[Opening Remarks v.6.docx](#)

Hi Matt –

Fletcher is also preparing a thumb drive with your materials, but so you have them in one place, I have attached copies of the latest versions of your speeches for next week in one e-mail.

- (1) Seattle Bar meeting
- (2) Region 10 All Hands
- (3) Intro remarks for listening sessions

I've also attached the press clippings provided by the Region 10 public affairs folks for your reference.

Have a good trip, and let me know if you need anything further.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

Message

From: Thomas Allen [thomas@markeallenlaw.com]
Sent: 7/27/2019 2:18:05 AM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Tom Allen

Mr. Leopold,

One last thought, Hladick seems to be anti pebble. This is concerning considering he is supposed to be neutral and conduct a rigorous and scientific assessment. My concern is that since he previously worked with the Walker administration he is too bias to have any decision making over Pebble. Please advise.

Tom

Sent from my iPhone

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Brent Fewell[brent.fewell@earthandwatergroup.com]
Sent: Mon 5/6/2019 1:00:55 AM (UTC)
Subject: Re: Tues

Ok thx Matt

Get [Outlook for iOS](#)

From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Sunday, May 5, 2019 8:59:49 PM
To: Brent Fewell
Subject: Re: Tues

Hi Brent, I'm am tied up Tuesday afternoon. I'd be happy to schedule it another time.
Thanks, Matt

Sent from my iPhone

On May 5, 2019, at 8:19 PM, Brent Fewell <brent.fewell@earthandwatergroup.com> wrote:

Hey Matt, hope you've had a great weekend. Not sure if you're able to meet Tues. afternoon, but have several CEOs, including NWF and TU, and Andy Sabin who would welcome the chance to meet with you re Pebble. If it doesn't work this time, we'll try again. Thanks, Matt.

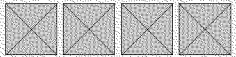
Brent

Get [Outlook for iOS](#)

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: EPA Press Office[press@epa.gov]
Sent: Wed 6/26/2019 5:57:12 PM (UTC)
Subject: EPA Resumes Consideration of the 2014 Withdrawal of the Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Ex. 5 Deliberative Process (DP)

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Carter, Brittany S.[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FFC80A6A1D24757A8E59BDF551D5CBE-CARTER, BRI]
Sent: Wed 5/29/2019 9:39:20 AM (UTC)
Subject: Re: June EPA trip?

Happy to. Who all is going from EPA and when/where are you able to meet?

On May 28, 2019, at 11:12 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Yes, I would like to meet with folks from the state. Can you coordinate?

Sent from my iPhone

On May 28, 2019, at 9:25 PM, Carter, Brittany S. <carter.brittanys@epa.gov> wrote:

Hey Matt,

Are you able to share a little detail on this trip? Thank you.

Britt

Begin forwarded message:

From: "Knudson, Kip C (GOV)" <kip.knudson@Alaska.gov>
Date: May 28, 2019 at 8:56:37 PM EDT
To: Britt Carter <carter.brittanys@epa.gov>
Subject: Fwd: June EPA trip?

Any insight?

Sent from my iPhone

Begin forwarded message:

From: "Williams-Sterne, Kate N (LAW)" <Kate.Williams-Sterne@alaska.gov>
Date: May 28, 2019 at 4:50:52 PM AKDT
To: "Knudson, Kip C (GOV)" <kip.knudson@Alaska.gov>
Subject: June EPA trip?

Hi Kip!

I've learned from Commissioner Brune that EPA GC Matt Leopold will be in town around June 11-13 with a crew of people to meet with state officials and travel to Illiamna and Dillingham. At this point, I am only aware that EPA has contacted DNR for a meeting on June 11, and I only learned about it because Jason forwarded me an email he received from DNR.

Could you find out, or maybe you know already, who from EPA is coming and what their plans are? It appears from the communications I've seen that the trip is fairly Pebble focused, but it would be good to know if they have other subjects on their mind (or if there are opportunities for us to meet with them on other issues we are concerned about like PM2.5). I believe we'll want to have the appropriate state officials at these events/meetings.

I spoke with Jason a few minutes ago and he'll raise this with you as well.

Thanks!

Kate

Kate Williams Sterne
Assistant Attorney General
Office of Governor Michael J. Dunleavy
State of Alaska
(907) 465-8499

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Brazauskas, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BABF7B77AEEC4FFEAAD446BB35E05B24-BRAZAUSKAS,]
Sent: Wed 6/26/2019 4:41:24 PM (UTC)
Subject: Fwd: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Matt, are you good with us sending out the signed document to the Hill now? Thanks, Joe

Sent from my iPhone

Begin forwarded message:

From: "Rodrick, Christian" <rodrick.christian@epa.gov>
Date: June 26, 2019 at 12:40:20 PM EDT
To: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>
Subject: FW: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Christian Rodrick
(202) 564-4828

From: Forsgren, Lee
Sent: Wednesday, June 26, 2019 12:39 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Fwd: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Tony

We should get this to Brian Hughes, Larry Burton, and Pam Day.

Sent from my iPhone

Begin forwarded message:

From: "Konkus, John" <konkus.john@epa.gov>
Date: June 26, 2019 at 12:37:27 PM EDT
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Cc: "Abboud, Michael" <abboud.michael@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Subject: RE: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

Looping in Nancy.

-----Original Message-----

From: Forsgren, Lee
Sent: Wednesday, June 26, 2019 12:37 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: Re: Signed memo from OGC to R10 re: Bristol Bay/Pebble Mine

David

OW will post the memo et al to the website.

Lee

On Jun 26, 2019, at 12:25 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

The signed memo is attached. Lee, I understand your folks will be able to post it to EPA's Bristol Bay webpage. John, Mike, let me know if you need anything else from me regarding the press release. Thanks!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov<<mailto:fotouhi.david@epa.gov>>

From: DC-WJCN-4020-M@epa.gov <DC-WJCN-4020-M@epa.gov>
Sent: Wednesday, June 26, 2019 8:49 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject:

<image2019-06-26-084914.pdf>

Message

From: Thomas Allen [thomas@markeallenlaw.com]
Sent: 5/17/2019 4:29:03 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Tom Allen - RFC re: Pebble Mine

Mr. Leopold,

How has the EPA still not responded to the BBWA and Preemptive Veto RFC? It has been 183 days...This delay is beyond quality guidelines and well beyond the OMBs new 120 day timeline for all RFCs. I still don't understand why Pebble is being treated any differently than any other mine. Remove the veto and BBWA...they are illegal. And make a determination after the FEIS like you would for any other mine. If the feis shows it to be unsafe then you don't have to approve it...I hope you are well.

Tom Allen

Sent from my iPhone

Message

From: David Parin; Ex. 6 Personal Privacy (PP)
Sent: 7/12/2019 1:59:31 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Region 10 Inaction - Pebble Proposed Determination

Good Morning,

I'm reaching out to get a better understand of how you plan to move forward regarding the directive you recently issued Region 10 in Alaska. Hladick responded with a letter extremely critical of the existing DEIS. It's my understanding the DEIS was developed between multiple parties including the EPA, is this true?

It's also concerning that many of these comments are in relation to the Bristol Bay Water Shed Assessment which should have been abandoned by the EPA long ago. Does Hladick have intentions to remove the proposed determination in the short term or is this something you intend to move on yourself?

The Pebble Project has been the greatest example of EPA overreach I've experience in my lifetime, Alaskans want to see NEPA work as designed.

The impact of special interests in Region 10 and the likelihood of Hladick performing unbiased decision-making should not be taken lightly.

Thank you for your time and insight.

David Parin

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Mutz, John[mutz.john@epa.gov]; Cody, Meredith[cody.meredith@epa.gov]; Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]
From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: Mon 4/29/2019 10:17:35 PM (UTC)
Subject: RE: Tom Allen - ?

OK, just sent a note.

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Leopold, Matt (OGC)
Sent: Monday, April 29, 2019 6:09 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Mutz, John <mutz.john@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Tom Allen - ?

Thanks for the background. I'd like to respond before the Thursday reg review. Please have WLO do a draft and you and Meredith can edit. Can you put it in my folder for tomorrow night? Thanks.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Stachowiak, Robert
Sent: Monday, April 29, 2019 5:53 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Mutz, John <mutz.john@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: Tom Allen - ?

Hi Matt –

Ex. 5 Deliberative Process (DP)

(+ Meredith and CAS as FYI.)

-R

U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Leopold, Matt (OGC)
Sent: Monday, April 29, 2019 5:00 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Mutz, John <mutz.john@epa.gov>
Subject: Fwd: Tom Allen - ?

Hi Rob, do you have a draft for me to review? Thanks

Sent from my iPhone
Begin forwarded message:

From: Thomas Allen <thomas@markeallenlaw.com>
Date: April 29, 2019 at 4:26:36 PM EDT
To: "leopold.matt@epa.gov" <leopold.matt@epa.gov>
Subject: Tom Allen - ?

Mr. Leopold,

Do you intend on responding to my previous emails? I know I have some tough questions. If you can only answer some that would not offend me. Again, you are the expert on these issues, but to me it seems the PD should go.

Respectfully,
Tom Allen

Thomas D. Allen
Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:
Monday through Thursday: 8:00 a.m. until 5:00 p.m.
Fridays: By appointment only

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]
From: Hewitt, James[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=41B19DD598D340BB8032923D902D4BD1-HEWITT, JAM]
Sent: Mon 6/10/2019 3:05:24 PM (UTC)
Subject: Fwd: Inquiry from LA Times re Matt Leopold schedule today

Matt flagging for you **Ex. 5 Deliberative Process (DP)**

Sent from my iPhone

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Labbe, Ken" <Labbe.Ken@epa.gov>
Date: June 10, 2019 at 11:04:12 AM EDT
To: Press <Press@epa.gov>
Subject: FW: Inquiry from LA Times re Matt Leopold schedule today

Is 3F handling?

Kenneth T. Labbe
United States Environmental Protection Agency
Office of Public Affairs
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Office: 202-564-1486
Cell: **Ex. 6 Personal Privacy (PP)**

From: Read, Richard <richard.read@latimes.com>
Sent: Monday, June 10, 2019 10:58 AM
To: Press <Press@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: Inquiry from LA Times re Matt Leopold schedule today

Greetings. We understand that Matthew Leopold is here in Seattle today, and planning a visit this week to Alaska. Does he have any public events on his schedule today, and/or would it be possible to catch up with him briefly?

I am covering Pebble Mine/Bristol Bay issues, and would much appreciate a chance to talk to Mr. Leopold and/or to see him speak. If you could share a schedule for his Seattle/Alaska trip, I'd appreciate it.

Also my colleague Karen Ducey, a Seattle photographer, would be interested in getting photos in case he has a public event or a moment today. Sorry for short notice.

I recently began as LA Times bureau chief in Seattle, and would appreciate being added to your list of media contacts here for news alerts and press releases.
Best, Rich Read

Richard Read
Seattle Bureau Chief
Los Angeles Times
1200 Western Ave., 17G
Seattle, Wa. 98101

Cell/Signal/WhatsApp: **Ex. 6 Personal Privacy (PP)**

To: Mutz, John (Fletcher)[mutz.john@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Brent Fewell[brent.fewell@earthandwatergroup.com]
Sent: Thur 5/30/2019 9:17:47 PM (UTC)
Subject: June 18 - confirming meeting

Hey Fletcher, let's lock in June 18 at 3 re Pebble. I will confirm closer to the date the final list of those who will be in attendance, but it currently includes Andy Sabin, Collin O'Mara (NWF), and McKie Campbell. Thanks.

Brent

Brent Fewell, Esq., Founder and Chair | **Earth & Water Law Group**
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
(202) 280-6362 (o) | [Ex. 6 Personal Privacy \(PP\)](#) (c) | www.earthandwatergroup.com



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From: Brent Fewell
Sent: Thursday, May 30, 2019 7:58 AM
To: Mutz, John <mutz.john@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Request for Meeting - May 7

Fletcher,

Is Matt available some time the day of June 18 to meet on Pebble? It would be the same individuals as proposed before.

Brent

From: Mutz, John <mutz.john@epa.gov>
Sent: Monday, May 6, 2019 10:11 AM
To: Brent Fewell <brent.fewell@earthandwatergroup.com>
Subject: RE: Request for Meeting - May 7

Brent,

Matt has a conflict at this time. Would you like to try to find a new time?

Fletcher

From: Mutz, John
Sent: Thursday, May 2, 2019 4:28 PM
To: 'Brent Fewell' <brent.fewell@earthandwatergroup.com>
Subject: RE: Request for Meeting - May 7

Brent,

Matt has not told me yet if he can rearrange his schedule to accommodate this. He does have conflicts at that time. Hopefully I'll have an answer for you tomorrow.

Fletcher

From: Brent Fewell <brent.fewell@earthandwatergroup.com>

Sent: Thursday, May 2, 2019 4:26 PM

To: Mutz, John <mutz.john@epa.gov>

Subject: FW: Request for Meeting - May 7

Hey John, just circling back on this request. Sorry it's such short notice.

Brent

From: Brent Fewell

Sent: Wednesday, May 1, 2019 3:28 PM

To: Leopold, Matt <Leopold.Matt@epa.gov>

Cc: Mutz, John <mutz.john@epa.gov>

Subject: Request for Meeting - May 7

Matt,

There are a few folks, including Andy Sabin, who would like to meet with you on Pebble next Tuesday afternoon, say around 4 p.m. Are you available? Might also be Chris Wood, Collin O'Mara and John Childs. But wanting to confirm first that you would be available to take the meeting.

Brent

Brent Fewell, Esq. | **Earth & Water Law Group**

1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004

(202) 280-6362 (o) | Ex. 6 Personal Privacy (PP) (c) | www.earthandwatergroup.com



Linked 

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To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Brent Fewell[brent.fewell@earthandwatergroup.com]
Sent: Wed 8/14/2019 2:46:36 PM (UTC)
Subject: RE: Tues

Sorry to have missed Fed Soc lunch yesterday. Was traveling home from Maine with the fam. Heard it went well.

From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Sunday, May 5, 2019 9:00 PM
To: Brent Fewell <brent.fewell@earthandwatergroup.com>
Subject: Re: Tues

Hi Brent, I'm am tied up Tuesday afternoon. I'd be happy to schedule it another time.

Thanks, Matt

Sent from my iPhone

On May 5, 2019, at 8:19 PM, Brent Fewell <brent.fewell@earthandwatergroup.com> wrote:

Hey Matt, hope you've had a great weekend. Not sure if you're able to meet Tues. afternoon, but have several CEOs, including NWF and TU, and Andy Sabin who would welcome the chance to meet with you re Pebble. If it doesn't work this time, we'll try again. Thanks, Matt.

Brent

Get [Outlook for iOS](#)

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Cody, Meredith[cody.meredith@epa.gov]
From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: Fri 5/10/2019 9:46:40 PM (UTC)
Subject: FW: Tom Allen - NAK Investor re: BBWA and Preemptive Veto

FYI

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Stachowiak, Robert
Sent: Friday, May 10, 2019 5:22 PM
To: thomas@markeallenlaw.com
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Tom Allen - NAK Investor re: BBWA and Preemptive Veto

Dear Mr. Allen,

Matt Leopold asked that I reply on his behalf. Thank you for your emails dated April 22, 2019 and April 29, 2019 concerning the Pebble Mine matter. EPA is committed to full consideration of all views with regard to this important matter. He appreciates you taking the time to communicate your concerns and perspectives to him.

Sincerely,

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel

CC: EPA/OGC/Water Law Office

From: Thomas Allen <thomas@markeallenlaw.com>
Date: April 22, 2019 at 1:39:38 PM CDT
To: "leopold.matt@epa.gov" <leopold.matt@epa.gov>
Subject: Tom Allen - NAK Investor re: BBWA and Preemptive Veto

Mr. Leopold,

I would first like to disclose I am an investor in the Pebble Mine. I would like to express that not only do I think the BBWA and veto are illegal, but unjust. I ask that you lift the veto to give Pebble a fair shot in permitting. It is my understanding you could veto the FEIS if it came back negative anyways. So what is the point in leaving the veto in place right now? Under the FOIA the BBWA and veto are illegal. The EPA has still failed to respond to the CEI Petition that was sent to your administration last Fall. This isn't your fault, but do you know when a response will be filed?

It is my belief that if the veto and BBWA are not removed soon, litigation will resume between the EPA and NDM after the FEIS at which point I think the EPA would lose trying to use the illegal BBWA over NEPA and fingers crossed a clean FEIS. I would like to know your thoughts here as I am ignorant compared to you regarding NEPA and the CWA. Why is Pebble being treated differently than any other mine? Shouldn't all mines have a fair shot at permitting? I understand Pebble is in permitting now but with the veto lift suspended it is hard to find anyone willing to partner with NDM.

If the EPA is truly participating in NEPA why do we still have a preemptive veto still in place after a clean DEIS? One of the guys who started the petition to bring about the preemptive veto in the first place years ago is now living in

another country because of his illegal conduct. I am assuming you are more than qualified to handle this file being general counsel of the EPA. You have an impressive background. Any feedback would be appreciated and even though I am an investor I still think the mine can be built safely with the fisheries unharmed.

It is also my understanding a rule change to the CWA re: preemptive vetoes is near. Isn't it pretty odd to leave one in place then make a new rule saying the EPA cannot use preemptive vetoes anymore? I think all of this is pretty flawed, investor or not. I promised your assistant to not bombard you with emails so this is all I will send so long as I can get a response within a month.

Respectfully,
Thomas D. Allen

Thomas D. Allen
Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:
Monday through Thursday: 8:00 a.m. until 5:00 p.m.
Fridays: By appointment only

To: Griffo, Shannon[Griffo.Shannon@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Molina, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D19C1D68DA1A4587866E1850F22A6AE5-MOLINA, MIC]
Sent: Thur 3/21/2019 11:56:43 AM (UTC)
Subject: RE: as requested

Thank you Shannon...MM

From: Griffo, Shannon
Sent: Thursday, March 21, 2019 7:32 AM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: as requested

I'm good with the edit made to the Pebble paragraph.

Thanks!
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Molina, Michael
Sent: Wednesday, March 20, 2019 5:58 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: as requested

There was a PM edit to the Pebble Paragraph.

He has signed it, but this has not been released. If you are fine with the edit, we will make it official.

From: Griffo, Shannon
Sent: Wednesday, March 20, 2019 12:36 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: as requested

Hi Michael,

Since Justina is out of the office, she asked that I send you the updated recusal statement addressing the Administrator's edits. Please see attached and let us know if you need anything else.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Molina, Michael
Sent: Wednesday, March 20, 2019 12:06 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: as requested

a few minor edits from AAW.

From: Fugh, Justina
Sent: Tuesday, March 19, 2019 9:54 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: as requested

Michael,
Here you go. I know he's meeting with the Director of the Office of Government Ethics today, so this will be useful for him to be able to say he's done.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Griffo, Shannon[Griffo.Shannon@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Molina, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D19C1D68DA1A4587866E1850F22A6AE5-MOLINA, MIC]
Sent: Wed 3/20/2019 9:58:04 PM (UTC)
Subject: RE: as requested
Signed AAW RecusalMarch2019.pdf

There was a PM edit to the Pebble Paragraph.

He has signed it, but this has not been released. If you are fine with the edit, we will make it official.

From: Griffo, Shannon
Sent: Wednesday, March 20, 2019 12:36 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: as requested

Hi Michael,

Since Justina is out of the office, she asked that I send you the updated recusal statement addressing the Administrator’s edits. Please see attached and let us know if you need anything else.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Molina, Michael
Sent: Wednesday, March 20, 2019 12:06 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: as requested

a few minor edits from AAW.

From: Fugh, Justina
Sent: Tuesday, March 19, 2019 9:54 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: as requested

Michael,
Here you go. I know he’s meeting with the Director of the Office of Government Ethics today, so this will be useful for him to be able to say he’s done.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Molina, Michael[molina.michael@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Griffo, Shannon[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: Wed 3/20/2019 4:35:58 PM (UTC)
Subject: RE: as requested
Wheeler updated recusal statement for signature.docx

Hi Michael,

Since Justina is out of the office, she asked that I send you the updated recusal statement addressing the Administrator’s edits. Please see attached and let us know if you need anything else.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Molina, Michael
Sent: Wednesday, March 20, 2019 12:06 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: as requested

a few minor edits from AAW.

From: Fugh, Justina
Sent: Tuesday, March 19, 2019 9:54 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: as requested

Michael,
Here you go. I know he’s meeting with the Director of the Office of Government Ethics today, so this will be useful for him to be able to say he’s done.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Thomas Allen [thomas@markeallenlaw.com]
Sent: 5/7/2019 4:00:55 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Tom Allen

Matt,

Isn't it time to lift the veto and BBWA? Again I believe you are more than qualified to make this decision and it is time for Pebble to get a fair shake based on science and not politics.

Respectfully,
Tom

Thomas D. Allen

Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069
Phone: (816) 781-5905
Fax: (816) 781-3054
Email: thomas@markeallenlaw.com

Office Hours:

Monday through Thursday: 8:00 a.m. until 5:00 p.m.
Fridays: By appointment only

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
From: Molina, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D19C1D68DA1A4587866E1850F22A6AE5-MOLINA, MIC]
Sent: Wed 3/20/2019 4:06:07 PM (UTC)
Subject: RE: as requested
Wheeler updated recusal statement 3-19-19.docx

a few minor edits from AAW.

From: Fugh, Justina
Sent: Tuesday, March 19, 2019 9:54 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: as requested

Michael,
Here you go. I know he’s meeting with the Director of the Office of Government Ethics today, so this will be useful for him to be able to say he’s done.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Mutz, John[mutz.john@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Fri 5/3/2019 10:41:39 PM (UTC)
Subject: RE: Request for Meeting - May 7

I have a conflict at that time. You can check to see if there are other times.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Mutz, John
Sent: Thursday, May 2, 2019 4:27 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Request for Meeting - May 7

Matt,

Would you please get back to me on this?

Thanks,
Fletcher

From: Mutz, John
Sent: Wednesday, May 1, 2019 3:31 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: FW: Request for Meeting - May 7

Matt,

You have the All-Hands meeting from 3:00-4:00 next Tuesday, and an ACE meeting with Bill at 4:00. Shall I tell Brent that you are not available?

Fletcher

From: Brent Fewell <brent.fewell@earthandwatergroup.com>
Sent: Wednesday, May 1, 2019 3:28 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Mutz, John <mutz.john@epa.gov>
Subject: Request for Meeting - May 7

Matt,

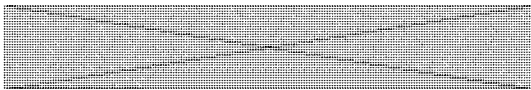
There are a few folks, including Andy Sabin, who would like to meet with you on Pebble next Tuesday afternoon, say around 4 p.m. Are you available? Might also be Chris Wood, Collin O'Mara and John Childs. But wanting to confirm first that you would be available to take the meeting.

Brent

Brent Fewell, Esq. | **Earth & Water Law Group**
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
(202) 280-6362 (o) |

Ex. 6 Personal Privacy (PP)

 c) | www.earthandwatergroup.com



Linked 

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To: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Wed 6/5/2019 2:37:39 PM (UTC)
Subject: Fwd: AK trip - call from PLP

Sent from my iPhone

Begin forwarded message:

From: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Date: June 4, 2019 at 3:27:25 PM EDT
To: "Hladick, Christopher" <hladick.christopher@epa.gov>
Cc: "Fotouhi, David" <fotouhi.david@epa.gov>
Subject: RE: AK trip - call from PLP

Hi Chris,

I also received a letter making the same request. We can schedule a meeting in Anchorage for the technical briefing. I will not be accepting a helicopter tour. Can you make arrangements accordingly?

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Tuesday, June 4, 2019 2:28 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: AK trip - call from PLP

Just an FYI do we want to provide a written response from you Matt? They have been calling almost daily.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cell: Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: McGrath, Patricia
Sent: Tuesday, June 4, 2019 11:25 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Fordham, Tami <Fordham.Tami@epa.gov>
Subject: AK trip - call from PLP

Hi David and Chris-

I got a call this morning from James Fuego, PLP VP for permitting. He was calling on behalf of PLP to clarify that PLP would like to meet with the General Counsel during his trip to Alaska next week to brief him on the project and technical issues. James said that PLP would be able to meet either in Anchorage or Iliamna for 1 to 2 hours. James also wanted to clarify that PLP has invited the General Counsel on a helicopter tour of the site during the time we are

in Iliamna. He indicated that a helicopter tour would take about 1.5 hours and could accommodate 4 EPA people. If additional EPA folks want to participate in a tour that could take place following the first tour.

Just wanted to pass on this information.

Patty

Patty McGrath | Mining Advisor

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Seattle, WA 98101

M/S: 14-D12

Office: (206) 553-6113

Cell: Ex. 6 Personal Privacy (PP)

mcgrath.patricia@epa.gov

Appointment

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 3/21/2018 2:22:23 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Bennett, Brittany [bennett.brittany@epa.gov]; Gude, Karen [Gude.Karen@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Knight, Kelly [knight.kelly@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]
CC: Dawson, Shelly [Dawson.Shelly@epa.gov]; Rob Rosenfeld [robrosey@gmail.com]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Subject: Meeting with United Tribes of Bristol Bay ***TO BE RESCHEDULED***
Location: 3233 WJCE Call in Ex. 6 Personal Privacy (PP)
Start: 3/21/2018 7:00:00 PM
End: 3/21/2018 8:30:00 PM
Show Time As: Tentative

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 4:33:37 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Stern, Allyn [Stern.Alyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: FW: BB Roll Out Call

Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Tentative

-----Original Appointment-----

From: Willey, Katharine
Sent: Monday, July 29, 2019 11:58 AM
To: Willey, Katharine; Drinkard, Andrea; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David
Subject: FW: BB Roll Out Call
When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Hi Andrea,

I think you should be on this call too! Our lead counsel said Katherine asked us to invite any appropriate folks.

Thanks,
Suzanne

-----Original Appointment-----

From: Skadowski, Suzanne **On Behalf Of** Willey, Katharine
Sent: Monday, July 29, 2019 8:45 AM
To: Holsman, Marianne; Allnutt, David
Subject: FW: BB Roll Out Call
When: Monday, July 29, 2019 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

-----Original Appointment-----

From: Willey, Katharine
Sent: Monday, July 29, 2019 8:28 AM
To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David
Subject: BB Roll Out Call
When: Monday, July 29, 2019 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Call-in # Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 4:33:37 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: BB Roll Out Call
Location: DCRoomARN4304/DC-Ariel-Rios-OGC
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in # Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 4:33:37 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: FW: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

-----Original Appointment-----

From: Willey, Katharine
Sent: Monday, July 29, 2019 11:58 AM
To: Willey, Katharine; Drinkard, Andrea; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David
Subject: FW: BB Roll Out Call
When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Hi Andrea,

I think you should be on this call too! Our lead counsel said Katherine asked us to invite any appropriate folks.

Thanks,
Suzanne

-----Original Appointment-----

From: Skadowski, Suzanne **On Behalf Of** Willey, Katharine
Sent: Monday, July 29, 2019 8:45 AM
To: Holsman, Marianne; Allnutt, David
Subject: FW: BB Roll Out Call
When: Monday, July 29, 2019 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

-----Original Appointment-----

From: Willey, Katharine
Sent: Monday, July 29, 2019 8:28 AM
To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David
Subject: BB Roll Out Call
When: Monday, July 29, 2019 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 4:33:37 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: FW: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

-----Original Appointment-----

From: Willey, Katharine
Sent: Monday, July 29, 2019 11:58 AM
To: Willey, Katharine; Drinkard, Andrea; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David
Subject: FW: BB Roll Out Call
When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Hi Andrea,

I think you should be on this call too! Our lead counsel said Katherine asked us to invite any appropriate folks.

Thanks,
Suzanne

-----Original Appointment-----

From: Skadowski, Suzanne **On Behalf Of** Willey, Katharine
Sent: Monday, July 29, 2019 8:45 AM
To: Holsman, Marianne; Allnutt, David
Subject: FW: BB Roll Out Call
When: Monday, July 29, 2019 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

-----Original Appointment-----

From: Willey, Katharine
Sent: Monday, July 29, 2019 8:28 AM
To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David
Subject: BB Roll Out Call
When: Monday, July 29, 2019 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Call-in # Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 4:33:37 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: BB Roll Out Call
Location: DCRoomARN4304/DC-Ariel-Rios-OGC
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Shaffer, Patricia [Shaffer.Patricia@epa.gov]
Sent: 7/29/2019 6:41:41 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: BB Roll Out Call
Location: DCRoomARN4304/DC-Ariel-Rios-OGC
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Tentative

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Sent: 7/29/2019 4:43:27 PM
To: Willey, Katharine [willey.katharine@epa.gov]
Subject: Accepted: FW: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:53:26 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Tentative

Call-in #: [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)]

Appointment

From: Shaffer, Patricia [Shaffer.Patricia@epa.gov]
Sent: 7/29/2019 3:34:57 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: BB Roll Out Call

Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Tentative

Call-in #: [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)]

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:09 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: BB Roll Out Call

Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Tentative

Call-in #: Ex. 6 Personal Privacy (PP)
ID: Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: BB Roll Out Call

Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in # Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Tentative

Call-in # Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: BB Roll Out Call

Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Tentative

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Tentative

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Stern, Allyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2E2D6F5DF08D4E9ABBFF2C0880407775-STERN, ALLYN]
Sent: Mon 7/29/2019 8:06:43 PM (UTC)
Subject: Re: BB Roll Out Call

I just heard that too. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 1:00 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Thanks. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Stern, Allyn <Stern.Alyn@epa.gov>
Sent: Monday, July 29, 2019 3:57 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 12:52 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Thanks. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Stern, Allyn <Stern.Alyn@epa.gov>
Sent: Monday, July 29, 2019 3:51 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Willey, Katharine <willey.katharine@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>;

Abboud, Michael <abboud.michael@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>;
Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: Re: BB Roll Out Call

Ok great: **Ex. 5 Deliberative Process (DP)**

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 12:48 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Matt and Chris connected: **Ex. 5 Deliberative Process (DP)** Thanks.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Appointment-----

From: Willey, Katharine <willey.katharine@epa.gov>

Sent: Monday, July 29, 2019 11:28 AM

To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne

Cc: Fotouhi, David; Drinkard, Andrea; Abboud, Michael; Holsman, Marianne; Grandinetti, Cami; Opalski, Dan

Subject: BB Roll Out Call

When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomARN4304/DC-Ariel-Rios-OGC

Call-in #: **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 7/29/2019 3:56:46 PM
To: Willey, Katharine [willey.katharine@epa.gov]
Subject: Accepted: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM

Recurrence: (none)

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 7/29/2019 3:54:04 PM
To: Willey, Katharine [willey.katharine@epa.gov]
Subject: Accepted: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 7/29/2019 3:31:02 PM
To: Willey, Katharine [willey.katharine@epa.gov]
Subject: Accepted: BB Roll Out Call
Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Busy

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Stern.Allyn@epa.gov[Stern.Allyn@epa.gov]
Sent: Mon 7/29/2019 8:06:42 PM (UTC)
Subject: Re: BB Roll Out Call

I just heard that too.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 1:00 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Thanks.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Stern, Allyn <Stern.Allyn@epa.gov>
Sent: Monday, July 29, 2019 3:57 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: BB Roll Out Call

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 12:52 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Thanks!

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Stern, Allyn <Stern.Allyn@epa.gov>
Sent: Monday, July 29, 2019 3:51 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Willey, Katharine <willey.katharine@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>;

Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>

Subject: Re: BB Roll Out Call

Ok great. **Ex. 5 Deliberative Process (DP)**

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Jul 29, 2019, at 12:48 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Matt and Chris connected. **Ex. 5 Deliberative Process (DP)** Thanks.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Appointment-----

From: Willey, Katharine <willey.katharine@epa.gov>

Sent: Monday, July 29, 2019 11:28 AM

To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne

Cc: Fotouhi, David; Drinkard, Andrea; Abboud, Michael; Holsman, Marianne; Grandinetti, Cami; Opalski, Dan

Subject: BB Roll Out Call

When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomARN4304/DC-Ariel-Rios-OGC

Call-in # **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:28:11 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in #: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Appointment

From: Stern, Allyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2E2D6F5DF08D4E9ABBFF2C0880407775-STERN, ALLYN]
Sent: 7/29/2019 4:02:44 PM
To: Willey, Katharine [willey.katharine@epa.gov]
Subject: Accepted: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM

Recurrence: (none)

Appointment

From: Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
Sent: 7/29/2019 4:37:08 PM
To: Willey, Katharine [willey.katharine@epa.gov]

Subject: Accepted: BB Roll Out Call

Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Importance: Normal
Subject: Meeting Forward Notification: BB Roll Out Call
Start Time: Mon 7/29/2019 7:00:00 PM (UTC)
End Time: Mon 7/29/2019 7:30:00 PM (UTC)
Required Attendees: Willey, Katharine

Your meeting was forwarded

Drinkard, Andrea has forwarded your meeting request to additional recipients.

Required Attendees: Willey, Katharine
Meeting
BB Roll Out Call

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Meeting Time
Monday, July 29, 2019 3:00 PM-3:30 PM.

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Recipients
Abboud, Michael

Required Attendees: Willey, Katharine
All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Microsoft Outlook[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109ef7088051]
Importance: Normal
Subject: Meeting Forward Notification: BB Roll Out Call
Start Time: Mon 7/29/2019 6:00:00 PM (UTC)
End Time: Mon 7/29/2019 6:30:00 PM (UTC)
Required Attendees: Willey, Katharine

Your meeting was forwarded

Skadowski, Suzanne has forwarded your meeting request to additional recipients.

Required Attendees: Willey, Katharine

Meeting
BB Roll Out Call

Required Attendees: Willey, Katharine

Required Attendees: Willey, Katharine

Meeting Time
Monday, July 29, 2019 2:00 PM-2:30 PM.

Required Attendees: Willey, Katharine

Required Attendees: Willey, Katharine

Recipients
Drinkard, Andrea

Required Attendees: Willey, Katharine

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Appointment

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 7/29/2019 3:58:00 PM
To: Drinkard, Andrea [Drinkard.Andrea@epa.gov]

Subject: BB Roll Out Call

Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Tentative

Your meeting was found to be out of date and has been automatically updated.

Sent by Microsoft Exchange Server

Appointment

From: Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
Sent: 7/29/2019 3:44:51 PM
To: Willey, Katharine [willey.katharine@epa.gov]
Subject: Accepted: BB Roll Out Call

Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Busy

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Importance: Normal
Subject: Meeting Forward Notification: BB Roll Out Call
Start Time: Mon 7/29/2019 6:00:00 PM (UTC)
End Time: Mon 7/29/2019 6:30:00 PM (UTC)
Required Attendees: Willey, Katharine

Your meeting was forwarded

Skadowski, Suzanne has forwarded your meeting request to additional recipients.

Required Attendees: Willey, Katharine
Meeting
BB Roll Out Call

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Meeting Time
Monday, July 29, 2019 2:00 PM-2:30 PM.

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Recipients
Holsman, Marianne
Allnutt, David

Required Attendees: Willey, Katharine
All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Appointment

Sent: 7/29/2019 3:25:58 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 6:00:00 PM
End: 7/29/2019 6:30:00 PM
Show Time As: Busy

Appointment

From: Willey, Katharine [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b62280ca8b184930814f27e4904cd17b-Willey, Kat]
Sent: 7/29/2019 3:28:07 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
BCC: DCRoomARN4304/DC-Ariel-Rios-OGC [DCROOMARN4304@epa.gov]
Subject: BB Roll Out Call
Location: DCRoomARN4304/DC-Ariel-Rios-OGC
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in #: [Ex. 6 Personal Privacy (PP)]
[Ex. 6 Personal Privacy (PP)]

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Importance: Normal
Subject: Meeting Forward Notification: BB Roll Out Call
Start Time: Mon 7/29/2019 7:00:00 PM (UTC)
End Time: Mon 7/29/2019 7:30:00 PM (UTC)
Required Attendees: Willey, Katharine

Your meeting was forwarded

Stern, Allyn has forwarded your meeting request to additional recipients.

Required Attendees: Willey, Katharine
Meeting
BB Roll Out Call

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Meeting Time
Monday, July 29, 2019 3:00 PM-3:30 PM.

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Recipients
Grandinetti, Cami
Opalski, Dan

Required Attendees: Willey, Katharine
All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Appointment

From: Willey, Katharine [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b62280ca8b184930814f27e4904cd17b-Willey, Kat]
Sent: 7/29/2019 3:28:07 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]
Subject: BB Roll Out Call
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in # [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)]

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Importance: Normal
Subject: Meeting Forward Notification: BB Roll Out Call
Start Time: Mon 7/29/2019 7:00:00 PM (UTC)
End Time: Mon 7/29/2019 7:30:00 PM (UTC)
Required Attendees: Willey, Katharine

Your meeting was forwarded

Stern, Allyn has forwarded your meeting request to additional recipients.

Required Attendees: Willey, Katharine
Meeting
BB Roll Out Call

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Meeting Time
Monday, July 29, 2019 3:00 PM-3:30 PM.

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Recipients
Holsman, Marianne

Required Attendees: Willey, Katharine
All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]
Location: DCRoomARN4304/DC-Ariel-Rios-OGC
Importance: Normal
Subject: Meeting Forward Notification: BB Roll Out Call
Start Time: Mon 7/29/2019 7:00:00 PM (UTC)
End Time: Mon 7/29/2019 7:30:00 PM (UTC)
Required Attendees: Willey, Katharine

Your meeting was forwarded

Abboud, Michael has forwarded your meeting request to additional recipients.

Required Attendees: Willey, Katharine
Meeting
BB Roll Out Call

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Meeting Time
Monday, July 29, 2019 3:00 PM-3:30 PM.

Required Attendees: Willey, Katharine
Required Attendees: Willey, Katharine
Recipients
McFaul, Jessica

Required Attendees: Willey, Katharine
All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Appointment

From: Willey, Katharine [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b62280ca8b184930814f27e4904cd17b-Willey, Kat]
Sent: 7/29/2019 3:28:07 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
BCC: DCRoomARN4304/DC-Ariel-Rios-OGC [DCROOMARN4304@epa.gov]
Subject: BB Roll Out Call
Location: DCRoomARN4304/DC-Ariel-Rios-OGC
Start: 7/29/2019 7:00:00 PM
End: 7/29/2019 7:30:00 PM
Show Time As: Busy

Call-in #: Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)